THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1277 Session of 2017

INTRODUCED BY HICKERNELL, BAKER, BOBACK, V. BROWN, CALTAGIRONE, CUTLER, DeLUCA, FEE, GOODMAN, GREINER, HAHN, JAMES, LAWRENCE, McCARTER, MENTZER, MILLARD, B. MILLER, D. MILLER, O'NEILL, PETRARCA, PICKETT, REESE, ROEBUCK, RYAN, SAYLOR, SCHLOSSBERG, SCHWEYER, SOLOMON, WARD AND ZIMMERMAN, APRIL 24, 2017

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 24, 2017

AN ACT

1 Amending the act of February 14, 2008 (P.L.6, No.3), entitled
2   "An act providing for access to public information, for a
3   designated open-records officer in each Commonwealth agency,
4   local agency, judicial agency and legislative agency, for
5   procedure, for appeal of agency determination, for judicial
6   review and for the Office of Open Records; imposing
7   penalties; providing for reporting by State-related
8   institutions; requiring the posting of certain State contract
9   information on the Internet; and making related repeals," in
10   access, further providing for requests; and, in procedure,
11   further providing for redaction.

12   The General Assembly of the Commonwealth of Pennsylvania

13 hereby enacts as follows:

14   Section 1. Sections 506(c) and 706 of the act of February

15 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, are

16 amended to read:

17 Section 506. Requests.

18   * * *

19   (c) Agency discretion.--An agency may exercise its

20 discretion to make any otherwise exempt record accessible for

21 inspection and copying under this chapter, if all of the

1 following apply:

2   (1) Disclosure of the record is not prohibited under any

3   of the following:

4   (i) Federal or State law or regulation.

5   (ii) Judicial order or decree.

6   (2) The record is not protected by a privilege.

7   (3) The agency head determines that the public interest

8   favoring access outweighs any individual, agency or public

9   interest that may favor restriction of access.

10   (4) The record does not contain a person's Social

11   Security number, unless the Social Security number has been

12   redacted under section 706.

13   * * *

14 Section 706. Redaction.

15 (a) General rule.--If an agency determines that a public

16 record, legislative record or financial record contains

17 information which is subject to access as well as information

18 which is not subject to access, the agency's response shall

19 grant access to the information which is subject to access and

20 deny access to the information which is not subject to access.

21 If the information which is not subject to access is an integral

22 part of the public record, legislative record or financial

23 record and cannot be separated, the agency shall redact from the

24 record the information which is not subject to access, and the

25 response shall grant access to the information which is subject

26 to access. The agency may not deny access to the record if the

27 information which is not subject to access is able to be

28 redacted. Information which an agency redacts in accordance with

29 this subsection shall be deemed a denial under Chapter 9.

30 (b) Social Security numbers.--If an agency determines that a

1 public record, legislative record or financial record contains

2 information that is subject to access and includes a person's

3 Social Security number, the agency's response shall grant access

4 to the information that is subject to access and deny access to

5 the Social Security number by redacting the Social Security

6 number from the record.

7   (c) Online posting of records.--Subsections (a) and (b)

8 shall apply to all records made available on a publicly

9 accessible Internet website. An agency shall, within six months

10 of the effective date of this subsection, redact all Social

11 Security numbers from records made available on a publicly

12 accessible Internet website owned, operated or controlled by the

13 agency or a party with whom the agency has contracted to own,

14 operate or control the publicly accessible Internet website.

15   Section 2. This act shall take effect in 60 days.