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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 860 Session of  
2019

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INTRODUCED BY B. MILLER, MURT, BERNSTINE, FREEMAN, RYAN,  
ZIMMERMAN, MILLARD, WHEELAND, SCHWEYER, PICKETT, SAYLOR,  
KORTZ, RADER, ZABEL, MOUL AND SCHLEGEL CULVER, MARCH 18, 2019

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 18, 2019

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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 preliminary provisions, further providing for definitions;  
11 and, in procedure, further providing for exceptions for  
12 public records.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. The definition of "personal financial  
16 information" in section 102 of the act of February 14, 2008  
17 (P.L.6, No.3), known as the Right-to-Know Law, is amended to  
18 read:

19 Section 102. Definitions.

20 The following words and phrases when used in this act shall  
21 have the meanings given to them in this section unless the  
22 context clearly indicates otherwise:

1 \* \* \*

2 "Personal financial information." An individual's personal  
3 credit, charge or debit card information; bank or other  
4 financial institution account information; bank, credit or  
5 financial statements; account or PIN numbers; account passwords;  
6 IRS form W-2 or its equivalent; benefit election information  
7 other than an election to become a member of the State  
8 Employees' Retirement System, the Public School Employees'  
9 Retirement System, the Pennsylvania Municipal Retirement System  
10 or any other retirement plan for employees of the Commonwealth  
11 or any of its political subdivisions; contributions to  
12 retirement plans or other investment options; contributions  
13 toward the cost of health care benefits or other benefits;  
14 contributions to charitable organizations and other information  
15 relating to an individual's personal finances.

16 \* \* \*

17 Section 2. Section 708(b)(6) and (c) of the act are amended  
18 and subsection (b) is amended by adding a paragraph to read:  
19 Section 708. Exceptions for public records.

20 \* \* \*

21 (b) Exceptions.--Except as provided in subsections (c) and  
22 (d), the following are exempt from access by a requester under  
23 this act:

24 \* \* \*

25 (6) (i) The following personal identification  
26 information:

27 (A) A record containing all or part of a  
28 person's Social Security number, driver's license  
29 number, personal financial information, home,  
30 cellular or personal telephone numbers, personal e-

1 mail addresses, employee number or other confidential  
2 personal identification number.

3 (B) A spouse's name, marital status or  
4 beneficiary or dependent information, including the  
5 number, names and ages of an employee's dependents.

6 (C) The home address of a law enforcement  
7 officer or judge.

8 (ii) Nothing in this paragraph shall preclude the  
9 release of the name, position, salary, actual  
10 compensation or other payments or expenses, employment  
11 contract, employment-related contract or agreement and  
12 length of service of a public official or an agency  
13 employee.

14 (iii) An agency may redact the name or other  
15 identifying information relating to an individual  
16 performing an undercover or covert law enforcement  
17 activity from a record.

18 (iv) Nothing in this paragraph shall prevent the  
19 disclosure of employer costs or aggregated data of  
20 employee costs related to retirement benefits, health  
21 care benefits or other benefits, the disclosure of  
22 options made available to employees regarding retirement,  
23 health care benefits or other benefits or the disclosure  
24 of options made available to employees regarding  
25 retirement, health care and other benefit plans.

26 \* \* \*

27 (31) An agency's financial institution account number,  
28 routing number, credit card number or PIN number. Such  
29 numbers may be reasonably redacted to the extent necessary to  
30 protect the security of the agency's account information,

1 account numbers, routing numbers, credit card numbers or PIN  
2 numbers.

3 (c) Financial records.--The exceptions set forth in  
4 subsection (b) shall not apply to financial records, except that  
5 an agency may redact that portion of a financial record  
6 protected under subsection (b) (1), (2), (3), (4), (5), (6), (16)  
7 [or], (17) or (31). An agency shall not disclose the identity of  
8 an individual performing an undercover or covert law enforcement  
9 activity.

10 \* \* \*

11 Section 3. This act shall take effect in 60 days.