
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2562 Session of
2020

INTRODUCED BY QUINN, SAPPEY AND MILLARD, MAY 28, 2020

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MAY 28, 2020

AN ACT

1 Amending the act of November 29, 2006 (P.L.1435, No.156),
2 entitled "An act relating to confidential security
3 information of public utilities; and imposing penalties,"
4 further providing for procedures for submitting, challenging
5 and protecting confidential security information, for
6 applicability to other law and for prohibition.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 3(b) of the act of November 29, 2006
10 (P.L.1435, No.156), known as the Public Utility Confidential
11 Security Information Disclosure Protection Act, is amended and
12 the section is amended by adding a subsection to read:

13 Section 3. Procedures for submitting, challenging and
14 protecting confidential security information.

15 * * *

16 (b) Submission of confidential security information.--An
17 agency shall develop filing protocols and procedures for public
18 utilities to follow when submitting records, including protocols
19 and procedures for submitting records containing confidential
20 security information. Such protocols and procedures shall

1 instruct public utilities who submit records to an agency to
2 separate their information into at least two categories:

3 (1) Public.--Records or portions thereof subject to the
4 provisions of the act of [June 21, 1957 (P.L.390, No.212),
5 referred to] February 14, 2008 (P.L.6, No.3), known as the
6 Right-to-Know Law.

7 (2) Confidential.--Records or portions thereof requested
8 to be treated as containing confidential security information
9 and not subject to the Right-to-Know Law.

10 (b.1) Review of confidential security information.--A public
11 utility shall have the opportunity to examine the public
12 utility's records at an agency's office for existing
13 confidential security information. When the public utility
14 identifies a record or portion thereof as containing
15 confidential security information under this subsection, the
16 public utility may resubmit the confidential security
17 information to the agency or replace the confidential security
18 information in accordance with the procedures specified under
19 this section.

20 * * *

21 Section 2. Sections 4 and 5 of the act are amended to read:

22 Section 4. Applicability to other law.

23 Public utility records or portions thereof which contain
24 confidential security information, in accordance with the
25 provisions of this act, shall not be subject to the provisions
26 of the act of [June 21, 1957 (P.L.390, No.212), referred to]
27 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

28 Section 5. Prohibition.

29 (a) General rule.--An agency shall not release, publish or
30 otherwise disclose a public utility record or portion thereof

1 which contains confidential security information, in accordance
2 with the provisions of this act. Nothing in this subsection
3 shall be construed to prohibit an agency from sharing a public
4 utility record or portion thereof which contains confidential
5 security information with another agency through an interagency
6 agreement and in accordance with the document tracking system
7 established under section 3(d)(5).

8 (b) Exception.--Notwithstanding subsection (a), an agency
9 may, after notification and consultation with the public
10 utility, disclose a public utility record or portion thereof
11 which contains confidential security information, in accordance
12 with the provisions of this act, that is necessary for
13 construction, renovation or remodeling work on any public
14 building or project. Release or disclosure of such records or
15 portions thereof for these purposes does not constitute
16 prohibited disclosure under subsection (a) and does not result
17 in such records or portions thereof becoming public records
18 subject to the provisions of the act of [June 21, 1957 (P.L.390,
19 No.212), referred to] February 14, 2008 (P.L.6, No.3), known as
20 the Right-to-Know Law.

21 Section 3. This act shall take effect in 30 days.