
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1553 Session of
2021

INTRODUCED BY HARKINS, MADDEN, SANCHEZ, FREEMAN, McNEILL,
GUENST, NEILSON, ROZZI, PASHINSKI AND MERSKI, JUNE 7, 2021

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 7, 2021

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 procedure, further providing for exceptions for public
11 records; and, in judicial review, further providing for fee
12 limitations.

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

15 Section 1. Section 708(b) of the act of February 14, 2008
16 (P.L.6, No.3), known as the Right-to-Know Law, is amended by
17 adding paragraph to read:

18 Section 708. Exceptions for public records.

19 * * *

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

23 * * *

1 (31) Records that are reasonably burdensome in their
2 scope for an agency to produce.

3 * * *

4 Section 2. Section 1307(h) of the act is amended and the
5 section is amended by adding a subsection to read:

6 Section 1307. Fee limitations.

7 * * *

8 (h) Prepayment.--Prior to granting a request for access in
9 accordance with this act, an agency may require a requester to
10 prepay an estimate of the fees authorized under this section if
11 the fees required to fulfill the request are expected to exceed
12 \$100 in accordance with subsection (i).

13 (i) For-profit entity fees.--

14 (1) An agency shall be permitted to charge reasonable
15 fees, in addition to other fees authorized by this act, for
16 the processing of records requests which are intended for use
17 by for-profit entities or for-profit activities. Such fees
18 shall be payable in advance and the agency's time for
19 response shall commence from the date of receipt of the fee.
20 Agencies shall be required to notify the requester of the
21 required fee within five business days of receipt of the
22 records request. An agency may make inquiries of a requester
23 to determine whether the requester is a for-profit entity or
24 engaged in for-profit activity, including inquiries
25 concerning the purpose of the request.

26 (2) Newspapers, magazines, broadcast outlets and similar
27 organizations shall be exempt from the fee provided in
28 paragraph (1).

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