
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2534 Session of
2022

INTRODUCED BY HANBIDGE, T. DAVIS, SCHLOSSBERG, HENNESSEY,
MADDEN, HOHENSTEIN AND SANCHEZ, APRIL 22, 2022

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 22, 2022

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.

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

14 Section 1. Section 708(b)(10) and (12) of the act of
15 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law,
16 are amended to read:

17 Section 708. Exceptions for public records.

18 * * *

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

22 * * *

1 (10) (i) A record that reflects:

2 (A) The internal, predecisional deliberations of
3 an agency, its members, employees or officials or
4 predecisional deliberations between agency members,
5 employees or officials and members, employees or
6 officials of another agency, including predecisional
7 deliberations relating to a budget recommendation,
8 legislative proposal, legislative amendment,
9 contemplated or proposed policy or course of action
10 or any research, memos or other documents used in the
11 predecisional deliberations.

12 (B) The strategy to be used to develop or
13 achieve the successful adoption of a budget,
14 legislative proposal or regulation.

15 (C) The discussions, considerations or
16 consultations during an executive session held in
17 accordance with 65 Pa.C.S. § 708 (relating to
18 executive sessions).

19 (ii) Subparagraph (i) (A) and (C) shall apply to
20 agencies subject to 65 Pa.C.S. Ch. 7 (relating to open
21 meetings) in a manner consistent with 65 Pa.C.S. Ch. 7. A
22 record which is not otherwise exempt from access under
23 this act and which is presented to a quorum for
24 deliberation in accordance with 65 Pa.C.S. Ch. 7 shall be
25 a public record.

26 (iii) This paragraph shall not apply to a written or
27 Internet application or other document that has been
28 submitted to request Commonwealth funds.

29 (iv) This paragraph shall not apply to the results
30 of public opinion surveys, polls, focus groups, marketing

1 research or similar effort designed to measure public
2 opinion.

3 * * *

4 (12) Notes and working papers prepared by or for a
5 public official or agency employee used:

6 (i) solely for that official's or employee's own
7 personal use, including telephone message slips, routing
8 slips and other materials that do not have an official
9 purpose[.]; or

10 (ii) to accommodate an individual's disability,
11 including transcriptions, braille translations or large
12 print materials.

13 * * *

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