

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1755 Session of 2023

INTRODUCED BY BRENNAN, MADDEN, SANCHEZ, GIRAL, KHAN, CIRESI,
GREEN, DALEY, McANDREW AND GERGELY, OCTOBER 16, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, OCTOBER 16, 2023

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 written requests.

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

13 Section 1. Section 703 of the act of February 14, 2008
14 (P.L.6, No.3), known as the Right-to-Know Law, is amended to
15 read:

16 Section 703. Written requests.

17 (a) Process.--A written request for access to records may be
18 submitted in person, by mail, by e-mail, by facsimile or, to the
19 extent provided by agency rules, by any other electronic means.
20 A written request must be addressed to the open-records officer
21 designated pursuant to section 502. Employees of an agency shall
22 be directed to forward requests for records to the open-records

1 officer. A written request [should] must identify or describe
2 the records sought with sufficient specificity to enable the
3 agency to ascertain which records are being requested and shall
4 include the name and address to which the agency should address
5 its response. A written request need not include any explanation
6 of the requester's reason for requesting or intended use of the
7 records unless otherwise required by law.

8 (b) Specificity consideration.--In determining whether a
9 request has sufficient specificity under this section, an open
10 records officer may consider:

11 (1) the burden on the agency to conduct a good faith
12 effort under section 901 to fully review and to redact any
13 records within the time periods required by this act;

14 (2) the potential harm to privacy or proprietary
15 interests of any third party if a full good faith effort
16 cannot reasonably be conducted within the time periods
17 required by this act; and

18 (3) the requirements under any Federal or State law
19 related to disclosing records and the harm or penalties under
20 the law if records are or may be improperly released.

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