
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2814 Session of
2022

INTRODUCED BY SCHMITT, RYAN, JAMES, ECKER, MIZGORSKI, MOUL,
HENNESSEY AND GROVE, SEPTEMBER 13, 2022

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 13, 2022

AN ACT

1 Amending Titles 2 (Administrative Law and Procedure), 3
2 (Agriculture), 4 (Amusements), 5 (Athletics and Sports), 8
3 (Boroughs and Incorporated Towns), 11 (Cities), 13
4 (Commercial Code), 15 (Corporations and Unincorporated
5 Associations), 18 (Crimes and Offenses), 20 (Decedents,
6 Estates and Fiduciaries), 23 (Domestic Relations), 24
7 (Education), 25 (Elections), 26 (Eminent Domain), 27
8 (Environmental Resources), 30 (Fish), 34 (Game), 35 (Health
9 and Safety), 37 (Historical and Museums), 40 (Insurance), 42
10 (Judiciary and Judicial Procedure), 45 (Legal Notices), 51
11 (Military Affairs), 53 (Municipalities Generally), 58 (Oil
12 and Gas), 62 (Procurement), 64 (Public Authorities and Quasi-
13 Public Corporations), 65 (Public Officers), 66 (Public
14 Utilities), 68 (Real and Personal Property), 71 (State
15 Government), 74 (Transportation) and 75 (Vehicles) of the
16 Pennsylvania Consolidated Statutes, providing for right-to-
17 know; making related repeals; and making editorial changes.

18 The General Assembly of the Commonwealth of Pennsylvania

19 hereby enacts as follows:

20 Section 1. Title 2 of the Pennsylvania Consolidated Statutes
21 is amended by adding part headings immediately preceding Chapter
22 1 to read:

23 PART I

24 PRELIMINARY PROVISIONS

25 (Reserved)

1 PART II

2 PRACTICE

3 Section 2. The heading of Chapter 1 of Title 2 is renumbered
4 to read:

5 CHAPTER [1] 3

6 GENERAL PROVISIONS

7 Section 3. Sections 101, 102 and 103 of Title 2 are
8 renumbered and amended to read:

9 § [101] 301. Definitions.

10 Subject to additional definitions contained in subsequent
11 provisions of this [title] part which are applicable to specific
12 provisions of this [title] part, the following words and phrases
13 when used in this [title] part shall have, unless the context
14 clearly indicates otherwise, the meanings given to them in this
15 section:

16 "Adjudication." Any final order, decree, decision,
17 determination or ruling by an agency affecting personal or
18 property rights, privileges, immunities, duties, liabilities or
19 obligations of any or all of the parties to the proceeding in
20 which the adjudication is made. The term does not include any
21 order based upon a proceeding before a court or which involves
22 the seizure or forfeiture of property, paroles, pardons or
23 releases from mental institutions.

24 "Administrative proceeding." Any proceeding other than a
25 judicial proceeding, the outcome of which is required to be
26 based on a record or documentation prescribed by law or in which
27 law or regulation is particularized in application to
28 individuals. The term includes an appeal.

29 "Agency." A government agency.

30 "Appeal." Includes proceedings on petition for review.

1 "Certified interpreter." A person who:

2 (1) is readily able to interpret; and

3 (2) either:

4 (i) is certified by the Department of Labor and
5 Industry in accordance with Subchapter C of Chapter 5
6 (relating to administrative proceeding interpreters for
7 persons with limited English proficiency); or

8 (ii) is certified by the Department of Labor and
9 Industry in accordance with Subchapter D of Chapter 5
10 (relating to administrative proceeding interpreters for
11 persons who are deaf) or is registered with the
12 department pursuant to the act of July 2, 2004 (P.L.492,
13 No.57), known as the Sign Language Interpreter and
14 Transliterator State Registration Act.

15 "Commonwealth agency." Any executive agency or independent
16 agency.

17 "Commonwealth government." The government of the
18 Commonwealth, including the courts and other officers or
19 agencies of the unified judicial system, the General Assembly,
20 and its officers and agencies, the Governor, and the
21 departments, boards, commissions, authorities and officers and
22 agencies of the Commonwealth, but the term does not include any
23 political subdivision, municipal or other local authority, or
24 any officer or agency of any such political subdivision or local
25 authority.

26 "Court Administrator of Pennsylvania." The court
27 administrator appointed by the Supreme Court under section 10(b)
28 of Article V of the Constitution of Pennsylvania and 42 Pa.C.S.
29 § 1901 (relating to Court Administrator of Pennsylvania).

30 "Deaf." An impairment of hearing or speech which creates an

1 inability to understand or communicate the spoken English
2 language.

3 "Department." The Department of Labor and Industry of the
4 Commonwealth.

5 "Executive agency." The Governor and the departments,
6 boards, commissions, authorities and other officers and agencies
7 of the Commonwealth government, but the term does not include
8 any court or other officer or agency of the unified judicial
9 system, the General Assembly and its officers and agencies, or
10 any independent agency.

11 "General rule." As defined in 42 Pa.C.S. § 102 (relating to
12 definitions).

13 "Government agency." Any Commonwealth agency or any
14 political subdivision or municipal or other local authority, or
15 any officer or agency of any such political subdivision or local
16 authority.

17 "Government unit." The General Assembly and its officers and
18 agencies, any government agency or any court or other officer or
19 agency of the unified judicial system.

20 "Independent agency." Boards, commissions, authorities and
21 other agencies and officers of the Commonwealth government which
22 are not subject to the policy supervision and control of the
23 Governor, but the term does not include any court or other
24 officer or agency of the unified judicial system or the General
25 Assembly and its officers and agencies.

26 "Interpret." Either one of the following:

27 (1) For purposes of Subchapter C of Chapter 5 (relating
28 to administrative proceeding interpreters for persons with
29 limited English proficiency), to convey spoken and written
30 English into the language of the person with limited English

1 proficiency and to convey oral and written statements by the
2 person into spoken English.

3 (2) For purposes of Subchapter D of Chapter 5 (relating
4 to administrative proceeding interpreters for persons who are
5 deaf), to convey spoken English in a manner understood by the
6 person who is deaf and to convey statements made by the
7 person who is deaf into English through, but not limited to,
8 American Sign Language and transliteration or the use of
9 computer-aided real-time captioning (CART) or similar
10 procedure.

11 "Interpreter." Includes both a certified interpreter and an
12 otherwise qualified interpreter.

13 "Judicial proceeding." An "action," "appeal" or "proceeding"
14 in any "court" of this Commonwealth as those terms are defined
15 in 42 Pa.C.S. § 102 (relating to definitions).

16 "Limited ability to speak or understand English." The
17 ability to speak exclusively or primarily a language other than
18 English and the inability to sufficiently speak or understand
19 English.

20 "Local agency." A government agency other than a
21 Commonwealth agency.

22 "Matter." Action, proceeding or appeal.

23 "Otherwise qualified interpreter." A person who:

24 (1) For purposes of Subchapter C of Chapter 5 (relating
25 to administrative proceeding interpreters for persons with
26 limited English proficiency):

27 (i) is readily able to interpret; and

28 (ii) has read, understands and agrees to abide by

29 the code of professional conduct for administrative

30 proceeding interpreters for persons with limited English

1 proficiency as established by the Department of Labor and
2 Industry in accordance with Subchapter C of Chapter 5.

3 (2) For purposes of Subchapter D of Chapter 5 (relating
4 to administrative proceeding interpreters for persons who are
5 deaf):

6 (i) is readily able to interpret;

7 (ii) is certified by the National Association of the
8 Deaf, the Registry of Interpreters for the Deaf or
9 similar registry; and

10 (iii) has read, understands and agrees to abide by
11 the code of professional conduct for administrative
12 proceeding interpreters for persons who are deaf as
13 established by the Department of Labor and Industry in
14 accordance with Subchapter D of Chapter 5.

15 "Party." Any person who appears in a proceeding before an
16 agency who has a direct interest in the subject matter of such
17 proceeding.

18 "Person." Includes a government unit or an agency of the
19 Federal Government.

20 "Person who is deaf." A party or witness who is deaf.

21 "Person with limited English proficiency." A party or a
22 witness who has limited ability to speak or understand English.

23 "Presiding officer." An individual appointed by an agency to
24 preside at an administrative proceeding.

25 "Transliteration." To convey spoken or written English in an
26 English-based sign system and the process of conveying an
27 English-based sign system in spoken or written English.

28 "Witness." A person who testifies in a proceeding before an
29 agency.

30 § [102] 302. Implementing regulations.

1 (a) General rule.--An agency shall have power to promulgate,
2 amend and repeal reasonable regulations implementing the
3 provisions of this [title] part.

4 (b) Uniform rules.--(Reserved).

5 § [103] 303. Administrative Agency Law.

6 (a) General rule.--The provisions of Subchapter A of Chapter
7 5 (relating to practice and procedure of Commonwealth agencies)
8 and Subchapter A of Chapter 7 (relating to judicial review of
9 Commonwealth agency action) shall be known and may be cited as
10 the "Administrative Agency Law."

11 (b) Rule making references.--Whenever any statute makes
12 reference to the Administrative Agency Law for procedures
13 relating to the promulgation of administrative regulations, such
14 reference shall hereafter be deemed to be a reference to the act
15 of July 31, 1968 (P.L.769, No.240), known as the ["Commonwealth
16 Documents Law."] Commonwealth Documents Law.

17 Section 4. Sections 104 and 105 of Title 2 are renumbered to
18 read:

19 § [104] 304. Commonwealth Documents Law (Reserved).

20 § [105] 305. Local Agency Law.

21 The provisions of Subchapter B of Chapter 5 (relating to
22 practice and procedure of local agencies) and Subchapter B of
23 Chapter 7 (relating to judicial review of local agency action)
24 shall be known and may be cited as the "Local Agency Law."

25 Section 5. Section 106 of Title 2 is renumbered and amended
26 to read:

27 § [106] 306. Effect of future legislation.

28 No subsequent statute shall be held to supersede or modify
29 the provisions of this [title] part except to the extent that
30 such statute shall do so expressly.

1 Section 6. Chapter 3 heading of Title 2 is repealed:

2 [CHAPTER 3

3 PROMULGATION OF REGULATIONS

4 (Reserved)]

5 Section 7. Title 2 is amended by adding parts to read:

6 PART III

7 REGULATIONS

8 (Reserved)

9 PART IV

10 RIGHT-TO-KNOW

11 Chapter

12 21. Preliminary Provisions

13 23. Requirements and Prohibitions

14 25. Access

15 27. Procedure

16 29. Agency Response

17 31. Appeal of Agency Determination

18 33. Judicial Review

19 35. State-Related Institutions

20 37. State Contract Information

21 39. Miscellaneous Provisions

22 CHAPTER 21

23 PRELIMINARY PROVISIONS

24 Sec.

25 2101. Scope of part.

26 2102. Definitions.

27 § 2101. Scope of part.

28 This part relates to right-to-know access to public records.

29 § 2102. Definitions.

30 The following words and phrases when used in this part shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Administrative proceeding." A proceeding by an agency the
4 outcome of which is required to be based on a record or
5 documentation prescribed by law or in which a statute or
6 regulation is particularized in application to individuals. The
7 term includes an appeal.

8 "Agency." A Commonwealth agency, a local agency, a judicial
9 agency or a legislative agency.

10 "Aggregated data." A tabulation of data which relate to
11 broad classes, groups or categories so that it is not possible
12 to distinguish the properties of individuals within the classes,
13 groups or categories.

14 "Appeals officer." As follows:

15 (1) For a Commonwealth agency or a local agency, the
16 appeals officer designated under section 2503(a) (relating to
17 appeals officer).

18 (2) For a judicial agency, the individual designated
19 under section 2503(b).

20 (3) For a legislative agency, the individual designated
21 under section 2503(c).

22 (4) For the Attorney General, State Treasurer, Auditor
23 General and local agencies in possession of criminal
24 investigative records, the individual designated under
25 section 2503(d).

26 "Commonwealth agency." Any of the following:

27 (1) An office, department, authority, board, multistate
28 agency or commission of the executive branch, an independent
29 agency and a State-affiliated entity. The term includes:

30 (i) The Governor's Office.

1 (ii) The Office of Attorney General, the Department
2 of the Auditor General and the Treasury Department.

3 (iii) An organization established by the
4 Constitution of Pennsylvania, a statute or an executive
5 order which performs or is intended to perform an
6 essential governmental function.

7 (2) The term does not include a judicial or legislative
8 agency.

9 "Confidential proprietary information." Commercial or
10 financial information received by an agency:

11 (1) which is privileged or confidential; and

12 (2) the disclosure of which would cause substantial harm
13 to the competitive position of the person that submitted the
14 information.

15 "Financial record." Any of the following:

16 (1) An account, voucher or contract dealing with:

17 (i) the receipt or disbursement of funds by an
18 agency; or

19 (ii) an agency's acquisition, use or disposal of
20 services, supplies, materials, equipment or property.

21 (2) The salary or other payments or expenses paid to an
22 officer or employee of an agency, including the name and
23 title of the officer or employee.

24 (3) A financial audit report. The term does not include
25 work papers underlying an audit.

26 "Homeland security." A governmental action designed to
27 prevent, detect, respond to and recover from terrorist acts,
28 major disasters and other emergencies, whether natural or
29 manmade. The term includes activities relating to the following:

30 (1) emergency preparedness and response, including

1 preparedness and response activities by volunteer medical,
2 police, emergency management, hazardous materials and fire
3 personnel;

4 (2) intelligence activities;

5 (3) critical infrastructure protection;

6 (4) border security;

7 (5) ground, aviation and maritime transportation
8 security;

9 (6) biodefense;

10 (7) detection of nuclear and radiological materials; and

11 (8) research on next-generation security technologies.

12 "Independent agency." A board, commission or other agency or
13 officer of the Commonwealth, that is not subject to the policy
14 supervision and control of the Governor. The term does not
15 include a legislative agency or judicial agency.

16 "Judicial agency." A court of the Commonwealth or any other
17 entity or office of the unified judicial system.

18 "Legislative agency." Any of the following:

19 (1) The Senate.

20 (2) The House of Representatives.

21 (3) The Capitol Preservation Committee.

22 (4) The Center for Rural Pennsylvania.

23 (5) The Joint Legislative Air and Water Pollution
24 Control and Conservation Committee.

25 (6) The Joint State Government Commission.

26 (7) The Legislative Budget and Finance Committee.

27 (8) The Legislative Data Processing Committee.

28 (9) The Independent Regulatory Review Commission.

29 (10) The Legislative Reference Bureau.

30 (11) The Local Government Commission.

1 (12) The Pennsylvania Commission on Sentencing.

2 (13) The Legislative Reapportionment Commission.

3 (14) (Reserved).

4 (15) The Legislative Audit Advisory Commission.

5 "Legislative record." Any of the following relating to a
6 legislative agency or a standing committee, subcommittee or
7 conference committee of a legislative agency:

8 (1) A financial record.

9 (2) A bill or resolution that has been introduced and an
10 amendment offered to a bill or resolution, including a
11 resolution to adopt or amend the rules of a chamber.

12 (3) A fiscal note.

13 (4) A cosponsorship memorandum.

14 (5) The journal of a chamber.

15 (6) Any of the following:

16 (i) The minutes of a public hearing or a public
17 committee meeting.

18 (ii) The record of attendance of members at a public
19 hearing or a public committee meeting.

20 (iii) A record of a vote taken in a public committee
21 meeting.

22 (7) The transcript of a public hearing when available.

23 (8) An executive nomination calendar.

24 (9) The rules of a chamber.

25 (10) A record of a recorded vote taken in a legislative
26 session.

27 (11) An administrative staff manual or written policy.

28 (12) An audit report prepared under the act of June 30,
29 1970 (P.L.442, No.151) entitled, "An act implementing the
30 provisions of Article VIII, section 10 of the Constitution of

1 Pennsylvania, by designating the Commonwealth officers who
2 shall be charged with the function of auditing the financial
3 transactions after the occurrence thereof of the Legislative
4 and Judicial branches of the government of the Commonwealth,
5 establishing a Legislative Audit Advisory Commission, and
6 imposing certain powers and duties on such commission."

7 (13) A final or annual report required by law to be
8 submitted to the General Assembly.

9 (14) A Legislative Budget and Finance Committee report.

10 (15) A daily legislative session calendar and a marked
11 calendar.

12 (16) A record communicating to an agency the official
13 appointment of a legislative appointee.

14 (17) A record communicating to the appointing authority
15 the resignation of a legislative appointee.

16 (18) A proposed regulation, final-form regulation and
17 final-omitted regulation submitted to a legislative agency.

18 (19) The result of a public opinion survey, poll, focus
19 group, marketing research or similar effort designed to
20 measure public opinion funded by a legislative agency.

21 "Local agency." Any of the following:

22 (1) A political subdivision, intermediate unit, charter
23 school, cyber charter school or public trade or vocational
24 school.

25 (2) A local, intergovernmental, regional or municipal
26 agency, authority, council, board, commission or similar
27 governmental entity.

28 "Office of Open Records." The Office of Open Records
29 established under section 3310 (relating to Office of Open
30 Records).

1 "Personal financial information." An individual's personal
2 credit, charge or debit card information; bank account
3 information; bank, credit or financial statements; account or
4 PIN numbers and other information relating to an individual's
5 personal finances.

6 "Privilege." The attorney-work product doctrine, the
7 attorney-client privilege, the doctor-patient privilege, the
8 speech and debate privilege or other privilege recognized by a
9 court interpreting the laws of this Commonwealth.

10 "Public record." A record, including a financial record, of
11 a Commonwealth agency or local agency that:

12 (1) is not exempt under section 2708 (relating to
13 exceptions for public records);

14 (2) is not exempt from being disclosed under any other
15 Federal or State law or regulation or judicial order or
16 decree; or

17 (3) is not protected by a privilege.

18 "Record." Information, regardless of physical form or
19 characteristics, that documents a transaction or activity of an
20 agency and that is created, received or retained pursuant to law
21 or in connection with a transaction, business or activity of the
22 agency. The term includes a document, paper, letter, map, book,
23 tape, photograph, film or sound recording, information stored or
24 maintained electronically and a data-processed or image-
25 processed document.

26 "Requester." A person that is a legal resident of the United
27 States and requests a record under this part. The term includes
28 an agency.

29 "Response." Access to a record or an agency's written notice
30 to a requester granting, denying or partially granting and

1 partially denying access to a record.

2 "Social services." Cash assistance and other welfare
3 benefits, medical, mental and other health care services, drug
4 and alcohol treatment, adoption services, vocational services
5 and training, occupational training, education services,
6 counseling services, workers' compensation services and
7 unemployment compensation services, foster care services,
8 services for the elderly, services for individuals with
9 disabilities and services for victims of crimes and domestic
10 violence.

11 "State-affiliated entity." As follows:

12 (1) A Commonwealth authority or Commonwealth entity.

13 (2) The term includes the Pennsylvania Higher Education
14 Assistance Agency and any entity established by the
15 Pennsylvania Higher Education Assistance Agency, the
16 Pennsylvania Gaming Control Board, the Pennsylvania Game
17 Commission, the Pennsylvania Fish and Boat Commission, the
18 Pennsylvania Housing Finance Agency, the Pennsylvania
19 Municipal Retirement Board, the State System of Higher
20 Education, a community college, the Pennsylvania Turnpike
21 Commission, the Pennsylvania Public Utility Commission, the
22 Pennsylvania Infrastructure Investment Authority, the State
23 Public School Building Authority, the Pennsylvania
24 Interscholastic Athletic Association and the Pennsylvania
25 Higher Educational Facilities Authority.

26 (3) The term does not include a State-related
27 institution.

28 "State-related institution." Any of the following:

29 (1) Temple University.

30 (2) The University of Pittsburgh.

1 2304. Judicial agencies.

2 2305. Presumption.

3 2306. Nature of document.

4 § 2301. Commonwealth agencies.

5 (a) Requirement.--A Commonwealth agency shall provide public
6 records in accordance with this part.

7 (b) Prohibition.--A Commonwealth agency may not deny a
8 requester access to a public record due to the intended use of
9 the public record by the requester unless otherwise provided by
10 law.

11 § 2302. Local agencies.

12 (a) Requirement.--A local agency shall provide public
13 records in accordance with this part.

14 (b) Prohibition.--A local agency may not deny a requester
15 access to a public record due to the intended use of the public
16 record by the requester unless otherwise provided by law.

17 § 2303. Legislative agencies.

18 (a) Requirement.--A legislative agency shall provide
19 legislative records in accordance with this part.

20 (b) Prohibition.--A legislative agency may not deny a
21 requester access to a legislative record due to the intended use
22 of the legislative record by the requester.

23 § 2304. Judicial agencies.

24 (a) Requirement.--A judicial agency shall provide financial
25 records in accordance with this part or any rule or order of
26 court providing equal or greater access to the records.

27 (b) Prohibition.--A judicial agency may not deny a requester
28 access to a financial record due to the intended use of the
29 financial record by the requester.

30 § 2305. Presumption.

1 (a) General rule.--A record in the possession of a
2 Commonwealth agency or local agency shall be presumed to be a
3 public record. The presumption shall not apply if:

4 (1) the record is exempt under section 2708 (relating to
5 exceptions for public records);

6 (2) the record is protected by a privilege; or

7 (3) the record is exempt from disclosure under any other
8 Federal or State law or regulation or judicial order or
9 decree.

10 (b) Legislative records and financial records.--A
11 legislative record in the possession of a legislative agency and
12 a financial record in the possession of a judicial agency shall
13 be presumed to be available in accordance with this part. The
14 presumption shall not apply if:

15 (1) the record is exempt under section 2708;

16 (2) the record is protected by a privilege; or

17 (3) the record is exempt from disclosure under any other
18 Federal or State law, regulation or judicial order or decree.

19 § 2306. Nature of document.

20 Nothing under this part shall supersede or modify the public
21 or nonpublic nature of a record or document established in
22 Federal or State law, regulation or judicial order or decree.

23 CHAPTER 25

24 ACCESS

25 Sec.

26 2501. Scope of chapter.

27 2502. Open-records officer.

28 2503. Appeals officer.

29 2504. Regulations and policies.

30 2505. Uniform form.

1 2506. Requests.

2 2507. Retention of records.

3 § 2501. Scope of chapter.

4 This chapter applies to all agencies.

5 § 2502. Open-records officer.

6 (a) Establishment.--

7 (1) An agency shall designate an official or employee to
8 act as the open-records officer.

9 (2) For a legislative agency other than the Senate or
10 the House of Representatives, the open-records officer
11 designated by the Legislative Reference Bureau shall serve as
12 the open-records officer. Notwithstanding paragraph (1), a
13 political party caucus of a legislative agency may appoint an
14 open-records officer under this section.

15 (b) Functions.--

16 (1) The open-records officer shall receive requests
17 submitted to the agency under this part, direct requests to
18 other appropriate persons within the agency or to appropriate
19 persons in another agency, track the agency's progress in
20 responding to requests and issue interim and final responses
21 under this part.

22 (2) Upon receiving a request for a public record,
23 legislative record or financial record, the open-records
24 officer shall do all of the following:

25 (i) Note the date of receipt on the written request.

26 (ii) Compute the day on which the five-day period
27 under section 2901 (relating to general rule) will expire
28 and make a notation of that date on the written request.

29 (iii) Maintain an electronic or paper copy of a
30 written request, including all documents submitted with

1 the request until the request has been fulfilled. If the
2 request is denied, the written request shall be
3 maintained for 30 days or, if an appeal is filed, until a
4 final determination is issued under section 3101(b)
5 (relating to filing of appeal) or the appeal is deemed
6 denied.

7 (iv) Create a file for the retention of the original
8 request, a copy of the response, a record of written
9 communications with the requester and a copy of other
10 communications. This subparagraph shall only apply to
11 Commonwealth agencies.

12 § 2503. Appeals officer.

13 (a) Commonwealth agencies and local agencies.--Except as
14 provided under subsection (d), the Office of Open Records shall
15 designate an appeals officer under section 3101(a)(2) (relating
16 to filing of appeal) for all:

17 (1) Commonwealth agencies; and

18 (2) local agencies.

19 (b) Judicial agencies.--A judicial agency shall designate an
20 appeals officer to hear appeals under Chapter 31 (relating to
21 appeal of agency determination).

22 (c) Legislative agencies.--

23 (1) Except as set forth under paragraph (2), the
24 Legislative Reference Bureau shall designate an appeals
25 officer to hear appeals under Chapter 31 for all legislative
26 agencies.

27 (2) Each of the following shall designate an appeals
28 officer to hear appeals under Chapter 31:

29 (i) The Senate.

30 (ii) The House of Representatives.

1 (d) Law enforcement records and Statewide officials.--

2 (1) The Attorney General, State Treasurer and Auditor
3 General shall each designate an appeals officer to hear
4 appeals under Chapter 31.

5 (2) The district attorney of a county shall designate
6 one or more appeals officers to hear appeals under Chapter 31
7 relating to access to criminal investigative records in
8 possession of a local agency of that county. The appeals
9 officer designated by the district attorney shall determine
10 if the record requested is a criminal investigative record.

11 § 2504. Regulations and policies.

12 (a) Authority.--An agency may promulgate regulations and
13 policies necessary for the agency to implement this part. The
14 Office of Open Records may promulgate regulations relating to
15 appeals involving a Commonwealth agency or local agency.

16 (b) Posting.--The following information shall be posted at
17 each agency and, if the agency maintains an Internet website, on
18 the agency's Internet website:

19 (1) Contact information for the open-records officer.

20 (2) Contact information for the Office of Open Records
21 or other applicable appeals officer.

22 (3) A form which may be used to file a request.

23 (4) Regulations, policies and procedures of the agency
24 relating to this part.

25 § 2505. Uniform form.

26 (a) Commonwealth and local agencies.--The Office of Open
27 Records shall develop a uniform form which shall be accepted by
28 each Commonwealth agency and local agency in addition to any
29 form used by the agency to file a request under this part. The
30 uniform form shall be transmitted to the Legislative Reference

1 Bureau for publication in the Pennsylvania Bulletin and shall be
2 posted on the Office of Open Records' publicly accessible
3 Internet website.

4 (b) Judicial agencies.--A judicial agency or the
5 Administrative Office of Pennsylvania Courts may develop a form
6 to request financial records or may accept a form developed by
7 the Office of Open Records.

8 (c) Legislative agencies.--A legislative agency may develop
9 a form to request legislative records or may accept the form
10 developed by the Office of Open Records.

11 § 2506. Requests.

12 (a) Disruptive requests.--

13 (1) An agency may deny a requester access to a record if
14 the requester has made repeated requests for that same record
15 and the repeated requests have placed an unreasonable burden
16 on the agency.

17 (2) A denial under this subsection shall not restrict
18 the ability to request a different record.

19 (b) Disaster or potential damage.--

20 (1) An agency may deny a requester access:

21 (i) when timely access is not possible due to fire,
22 flood or other disaster; or

23 (ii) to historical, ancient or rare documents,
24 records, archives and manuscripts when access may, in the
25 professional judgment of the curator or custodian of
26 records, cause physical damage or irreparable harm to the
27 record.

28 (2) To the extent possible, the contents of a record
29 under this subsection shall be made accessible to a requester
30 even if the record is physically unavailable.

1 (c) Agency discretion.--An agency may exercise its
2 discretion to make any otherwise exempt record accessible for
3 inspection and copying under this chapter, if all of the
4 following apply:

5 (1) Disclosure of the record is not prohibited under any
6 of the following:

7 (i) Federal or State law or regulation.

8 (ii) Judicial order or decree.

9 (2) The record is not protected by a privilege.

10 (3) The agency head determines that the public interest
11 favoring access outweighs any individual, agency or public
12 interest that may favor restriction of access.

13 (d) Agency possession.--

14 (1) A public record that is not in the possession of an
15 agency but is in the possession of a party with whom the
16 agency has contracted to perform a governmental function on
17 behalf of the agency, and which directly relates to the
18 governmental function and is not exempt under this part,
19 shall be considered a public record of the agency for
20 purposes of this part.

21 (2) Nothing under this part shall be construed to
22 require access to any other record of the party in possession
23 of the public record.

24 (3) A request for a public record in possession of a
25 party other than the agency shall be submitted to the open-
26 records officer of the agency. Upon a determination that the
27 record is subject to access under this part, the open-records
28 officer shall assess the duplication fee established under
29 section 3307(b) (relating to fee limitations) and upon
30 collection shall remit the fee to the party in possession of

1 the record if the party duplicated the record.

2 § 2507. Retention of records.

3 Nothing under this part shall be construed to modify, rescind
4 or supersede any record retention policy or disposition schedule
5 of an agency established pursuant to law, regulation, policy or
6 other directive.

7 CHAPTER 27

8 PROCEDURE

9 Sec.

10 2701. Access.

11 2702. Requests.

12 2703. Written requests.

13 2704. Electronic access.

14 2705. Creation of record.

15 2706. Redaction.

16 2707. Production of certain records.

17 2708. Exceptions for public records.

18 § 2701. Access.

19 (a) General rule.--Unless otherwise provided by law, a
20 public record, legislative record or financial record shall be
21 accessible for inspection and duplication in accordance with
22 this part. A record being provided to a requester shall be
23 provided in the medium requested, if the record exists in that
24 medium. If the record being provided does not exist in the
25 medium requested, it shall be provided in the medium in which
26 the record exists. A public record, legislative record or
27 financial record shall be available for access during the
28 regular business hours of an agency.

29 (b) Construction.--Nothing under this part shall be
30 construed to require access to a computer either of an agency or

1 individual employee of an agency.

2 § 2702. Requests.

3 An agency may fulfill verbal, written or anonymous verbal or
4 written requests for access to a record under this part. If the
5 requester wishes to pursue the relief and remedies provided for
6 under this part, the request for access to records must be a
7 written request.

8 § 2703. Written requests.

9 A written request for access to a record may be submitted in
10 person, by mail, by e-mail, by facsimile or, to the extent
11 provided by agency rules, by any other electronic means. A
12 written request must be addressed to the open-records officer
13 designated under section 2502 (relating to open-records
14 officer). An employee of an agency shall be directed to forward
15 requests for records to the open-records officer. A written
16 request should identify or describe the records sought with
17 sufficient specificity to enable the agency to ascertain which
18 records are being requested and shall include the name and
19 address to which the agency should address the agency's
20 response. A written request need not include any explanation of
21 the requester's reason for requesting or intended use of the
22 record unless otherwise required by law.

23 § 2704. Electronic access.

24 (a) General rule.--In addition to the requirements of
25 section 2701 (relating to access), an agency may make its
26 records available through any publicly accessible electronic
27 means.

28 (b) Response.--

29 (1) In addition to the requirements of section 2701, an
30 agency may respond to a request by notifying the requester

1 that the record is available through publicly accessible
2 electronic means or that the agency will provide access to
3 inspect the record electronically.

4 (2) If the requester is unwilling or unable to access
5 the record electronically, the requester may, within 30 days
6 following receipt of the agency's notification, submit a
7 written request to the agency to have the record converted to
8 paper. The agency shall provide access to the record in
9 printed form within five days of the receipt of the written
10 request for conversion to paper.

11 § 2705. Creation of record.

12 When responding to a request for access, an agency shall not
13 be required to create a record which does not currently exist or
14 to compile, maintain, format or organize a record in a manner in
15 which the agency does not currently compile, maintain, format or
16 organize the record.

17 § 2706. Redaction.

18 If an agency determines that a public record, legislative
19 record or financial record contains information which is subject
20 to access as well as information which is not subject to access,
21 the agency's response shall grant access to the information
22 which is subject to access and deny access to the information
23 which is not subject to access. If the information which is not
24 subject to access is an integral part of the public record,
25 legislative record or financial record and cannot be separated,
26 the agency shall redact from the record the information which is
27 not subject to access and the response shall grant access to the
28 information which is subject to access. The agency may not deny
29 access to the record if the information which is not subject to
30 access is able to be redacted. Information which an agency

1 redacts in accordance with this subsection shall be deemed a
2 denial under Chapter 29 (relating to agency response).
3 § 2707. Production of certain records.

4 (a) General rule.--If, in response to a request, an agency
5 produces a record that is not a public record, legislative
6 record or financial record, the agency shall notify a third
7 party that provided the record to the agency, the person that is
8 the subject of the record and the requester.

9 (b) Requests for trade secrets.--An agency shall notify a
10 third party of a request for a record if the third party
11 provided the record and included a written statement signed by a
12 representative of the third party that the record contains a
13 trade secret or confidential proprietary information.
14 Notification shall be provided within five business days of
15 receipt of the request for the record. The third party shall
16 have five business days from receipt of notification from the
17 agency to provide input on the release of the record. The agency
18 shall deny the request for the record or release the record
19 within 10 business days of the provision of notice to the third
20 party and shall notify the third party of the decision.

21 (c) Transcripts.--

22 (1) Prior to an adjudication becoming final, binding and
23 nonappealable, a transcript of an administrative proceeding
24 shall be provided to a requester by the agency stenographer
25 or a court reporter, in accordance with agency procedure or
26 an applicable contract.

27 (2) Following an adjudication becoming final, binding
28 and nonappealable, a transcript of an administrative
29 proceeding shall be provided to a requester in accordance
30 with the duplication rates established under section 3307(b)

1 (relating to fee limitations).

2 § 2708. Exceptions for public records.

3 (a) Burden of proof.--

4 (1) The burden of proving that a record of a
5 Commonwealth agency or local agency is exempt from public
6 access shall be on the Commonwealth agency or local agency
7 receiving a request by a preponderance of the evidence.

8 (2) The burden of proving that a legislative record is
9 exempt from public access shall be on the legislative agency
10 receiving a request by a preponderance of the evidence.

11 (3) The burden of proving that a financial record of a
12 judicial agency is exempt from public access shall be on the
13 judicial agency receiving a request by a preponderance of the
14 evidence.

15 (b) Exceptions.--Except as provided under subsections (c)
16 and (d), the following are exempt from access by a requester
17 under this part:

18 (1) A record, the disclosure of which:

19 (i) would result in the loss of Federal or State
20 funds by an agency or the Commonwealth; or

21 (ii) would be reasonably likely to result in a
22 substantial and demonstrable risk of physical harm to or
23 the personal security of an individual.

24 (2) A record maintained by an agency in connection with
25 the military, homeland security, national defense, law
26 enforcement or other public safety activity that, if
27 disclosed, would be reasonably likely to jeopardize or
28 threaten public safety or preparedness or public protection
29 activity or a record that is designated classified by an
30 appropriate Federal or State military authority.

1 (3) A record, the disclosure of which creates a
2 reasonable likelihood of endangering the safety or the
3 physical security of a building, public utility, resource,
4 infrastructure, facility or information storage system, which
5 may include any of the following:

6 (i) Documents or data relating to computer hardware,
7 source files, software and system networks that could
8 jeopardize computer security by exposing a vulnerability
9 in preventing, protecting against, mitigating or
10 responding to a terrorist act.

11 (ii) Any of the following:

12 (A) Lists of infrastructure, resources and
13 significant special events, including infrastructure,
14 resources and significant special events defined by
15 the Federal Government in the National Infrastructure
16 Protection Plan, which are deemed critical due to the
17 nature and which lists result from a risk analysis.

18 (B) Threat assessments.

19 (C) Consequences assessments.

20 (D) Antiterrorism protective measures and plans.

21 (E) Counterterrorism measures and plans.

22 (F) Security and response needs assessments.

23 (iii) Building plans or infrastructure records that
24 expose or create vulnerability through disclosure of the
25 location, configuration or security of critical systems,
26 including public utility systems, structural elements,
27 technology, communication, electrical, fire suppression,
28 ventilation, water, wastewater, sewage and gas systems.

29 (4) A record regarding computer hardware, software and
30 networks, including administrative or technical records,

1 which, if disclosed, would be reasonably likely to jeopardize
2 computer security.

3 (5) Any of the following:

4 (i) A record of an individual's medical, psychiatric
5 or psychological history or disability status, including
6 an evaluation, consultation, prescription, diagnosis or
7 treatment.

8 (ii) Results of tests, including drug tests.

9 (iii) Enrollment in a health care program or program
10 designed for participation by persons with disabilities,
11 including vocational rehabilitation, workers'
12 compensation and unemployment compensation.

13 (iv) Information related to information under
14 subparagraphs (i), (ii) and (iii) that would disclose
15 individually identifiable health information.

16 (6) As follows:

17 (i) The following personal identification
18 information:

19 (A) A record containing all or part of a
20 person's Social Security number, driver's license
21 number, personal financial information, home,
22 cellular or personal telephone numbers, personal e-
23 mail addresses, employee number or other confidential
24 personal identification number.

25 (B) A spouse's name, marital status or
26 beneficiary or dependent information.

27 (C) The home address of a law enforcement
28 officer or judge.

29 (ii) Nothing under this paragraph shall preclude the
30 release of the name, position, salary, actual

1 compensation or other payments or expenses, employment
2 contract, employment-related contract or agreement and
3 length of service of a public official or an agency
4 employee.

5 (iii) An agency may redact the name or other
6 identifying information relating to an individual
7 performing an undercover or covert law enforcement
8 activity from a record.

9 (7) The following records relating to an agency
10 employee:

11 (i) A letter of reference or recommendation
12 pertaining to the character or qualifications of an
13 identifiable individual, unless the letter was prepared
14 in relation to the appointment of an individual to fill a
15 vacancy in an elected office or an appointed office
16 requiring Senate confirmation.

17 (ii) A performance rating or review.

18 (iii) The result of a civil service or similar test
19 administered by a Commonwealth agency, legislative agency
20 or judicial agency. The result of a civil service or
21 similar test administered by a local agency may not be
22 disclosed if restricted by a collective bargaining
23 agreement. Only a test score of an individual who
24 obtained a passing score on a test administered by a
25 local agency may be disclosed.

26 (iv) The employment application of an individual who
27 is not hired by the agency.

28 (v) Workplace support services program information.

29 (vi) Written criticisms of an employee.

30 (vii) Grievance material, including documents

1 related to discrimination or sexual harassment.

2 (viii) Information regarding discipline, demotion or
3 discharge contained in a personnel file. This
4 subparagraph shall not apply to the final action of an
5 agency that results in demotion or discharge.

6 (ix) An academic transcript.

7 (8) Any of the following:

8 (i) A record pertaining to strategy or negotiations
9 relating to labor relations or collective bargaining and
10 related arbitration proceedings. This subparagraph shall
11 not apply to a final or executed contract or agreement
12 between the parties in a collective bargaining procedure.

13 (ii) For the arbitration of a dispute or grievance
14 under a collective bargaining agreement, an exhibit
15 entered into evidence at an arbitration proceeding, a
16 transcript of the arbitration or the opinion. This
17 subparagraph shall not apply to the final award or order
18 of the arbitrator in a dispute or grievance procedure.

19 (9) The draft of a bill, resolution, regulation,
20 statement of policy, management directive, ordinance or
21 amendment to an item listed under this paragraph prepared by
22 or for an agency.

23 (10) As follows:

24 (i) A record that reflects:

25 (A) The internal, predecisional deliberations of
26 an agency, its members, employees or officials or
27 predecisional deliberations between agency members,
28 employees or officials and members, employees or
29 officials of another agency, including predecisional
30 deliberations relating to a budget recommendation,

1 legislative proposal, legislative amendment,
2 contemplated or proposed policy or course of action
3 or any research, memos or other documents used in the
4 predecisional deliberations.

5 (B) The strategy to be used to develop or
6 achieve the successful adoption of a budget,
7 legislative proposal or regulation.

8 (ii) Subparagraph (i)(A) shall apply to agencies
9 subject to 65 Pa.C.S. Ch. 7 (relating to open meetings)
10 in a manner consistent with 65 Pa.C.S. Ch. 7. A record
11 which is not otherwise exempt from access under this part
12 and which is presented to a quorum for deliberation in
13 accordance with 65 Pa.C.S. Ch. 7 shall be a public
14 record.

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

18 (iv) This paragraph shall not apply to the results
19 of public opinion surveys, polls, focus groups, marketing
20 research or similar effort designed to measure public
21 opinion.

22 (11) A record that constitutes or reveals a trade secret
23 or confidential proprietary information.

24 (12) Notes and working papers prepared by or for a
25 public official or agency employee used solely for that
26 official's or employee's own personal use, including
27 telephone message slips, routing slips and other materials
28 that do not have an official purpose.

29 (13) A record that would disclose the identity of an
30 individual who lawfully makes a donation to an agency unless

1 the donation is intended for or restricted to providing
2 remuneration or personal tangible benefit to a named public
3 official or employee of the agency, including lists of
4 potential donors compiled by an agency to pursue donations,
5 donor profile information or personal identifying information
6 relating to a donor.

7 (14) An unpublished lecture note, unpublished
8 manuscript, unpublished article, creative work in progress,
9 research-related material and scholarly correspondence of a
10 community college or an institution of the State System of
11 Higher Education or a faculty member, staff employee, guest
12 speaker or student thereof.

13 (15) Any of the following:

14 (i) An academic transcript.

15 (ii) An examination, examination question, scoring
16 key or answers to an examination. This subparagraph shall
17 include licensing and other examinations relating to the
18 qualifications of an individual and to examinations given
19 in primary and secondary schools and institutions of
20 higher education.

21 (16) As follows:

22 (i) A record of an agency relating to or resulting
23 in a criminal investigation, including:

24 (A) Complaints of potential criminal conduct
25 other than a private criminal complaint.

26 (B) Investigative materials, notes,
27 correspondence, videos and reports.

28 (C) A record that includes the identity of a
29 confidential source or the identity of a suspect who
30 has not been charged with an offense to whom

1 confidentiality has been promised.

2 (D) A record that includes information made
3 confidential by law or court order.

4 (E) Victim information, including any
5 information that would jeopardize the safety of the
6 victim.

7 (F) A record that, if disclosed, would do any of
8 the following:

9 (I) Reveal the institution, progress or
10 result of a criminal investigation, except the
11 filing of criminal charges.

12 (II) Deprive a person of the right to a fair
13 trial or an impartial adjudication.

14 (III) Impair the ability to locate a
15 defendant or codefendant.

16 (IV) Hinder an agency's ability to secure an
17 arrest, prosecution or conviction.

18 (V) Endanger the life or physical safety of
19 an individual.

20 (ii) This paragraph shall not apply to information
21 contained in a police blotter as defined in 18 Pa.C.S. §
22 9102 (relating to definitions) and utilized or maintained
23 by the Pennsylvania State Police, local, campus, transit
24 or port authority police department or other law
25 enforcement agency or in a traffic report except as
26 provided under 75 Pa.C.S. § 3754(b) (relating to accident
27 prevention investigations).

28 (17) A record of an agency relating to a noncriminal
29 investigation, including:

30 (i) Complaints submitted to an agency.

1 (ii) Investigative materials, notes, correspondence
2 and reports.

3 (iii) A record that includes the identity of a
4 confidential source, including individuals subject to the
5 act of December 12, 1986 (P.L.1559, No.169), known as the
6 Whistleblower Law.

7 (iv) A record that includes information made
8 confidential by law.

9 (v) Work papers underlying an audit.

10 (vi) A record that, if disclosed, would do any of
11 the following:

12 (A) Reveal the institution, progress or result
13 of an agency investigation, except the imposition of
14 a fine or civil penalty, the suspension, modification
15 or revocation of a license, permit, registration,
16 certification or similar authorization issued by an
17 agency or an executed settlement agreement unless the
18 agreement is determined to be confidential by a
19 court.

20 (B) Deprive a person of the right to an
21 impartial adjudication.

22 (C) Constitute an unwarranted invasion of
23 privacy.

24 (D) Hinder an agency's ability to secure an
25 administrative or civil sanction.

26 (E) Endanger the life or physical safety of an
27 individual.

28 (18) As follows:

29 (i) A record or part of a record, except a time
30 response log, pertaining to audio recordings, telephone

1 or radio transmissions received by emergency dispatch
2 personnel, including 911 recordings.

3 (ii) This paragraph shall not apply to a 911
4 recording, or a transcript of a 911 recording, if the
5 agency or a court determines that the public interest in
6 disclosure outweighs the interest in nondisclosure.

7 (19) A DNA and RNA record.

8 (20) An autopsy record of a coroner or medical examiner
9 and any audiotape of a postmortem examination or autopsy, or
10 a copy, reproduction or facsimile of an autopsy report, a
11 photograph, negative or print, including a photograph or
12 videotape of the body or any portion of the body of a
13 deceased person at the scene of death or in the course of a
14 postmortem examination or autopsy taken or made by or caused
15 to be taken or made by the coroner or medical examiner. This
16 exception shall not limit the reporting of the name of the
17 deceased individual and the cause and manner of death.

18 (21) Any of the following:

19 (i) Draft minutes of any meeting of an agency until
20 the next regularly scheduled meeting of the agency.

21 (ii) Minutes of an executive session and any record
22 of discussions held in executive session.

23 (22) Any of the following:

24 (i) The contents of real estate appraisals,
25 engineering or feasibility estimates, environmental
26 reviews, audits or evaluations made for or by an agency
27 relative to the following:

28 (A) The leasing, acquiring or disposing of real
29 property or an interest in real property.

30 (B) The purchase of public supplies or equipment

1 included in the real estate transaction.

2 (C) Construction projects.

3 (ii) This paragraph shall not apply once the
4 decision is made to proceed with the lease, acquisition
5 or disposal of real property or an interest in real
6 property or the purchase of public supplies or
7 construction projects.

8 (23) Library and archive circulation and order records
9 of an identifiable individual or groups of individuals.

10 (24) Library archived and museum materials, or valuable
11 or rare book collections or documents contributed by gift,
12 grant, bequest or devise, to the extent of any limitations
13 imposed by the donor as a condition of the contribution.

14 (25) A record identifying the location of an
15 archeological site or an endangered or threatened plant or
16 animal species if not already known to the general public.

17 (26) Any of the following:

18 (i) A proposal pertaining to agency procurement or
19 disposal of supplies, services or construction prior to
20 the award of the contract or prior to the opening and
21 rejection of all bids.

22 (ii) Financial information of a bidder or offeror
23 requested in an invitation for bid or request for
24 proposals to demonstrate the bidder's or offeror's
25 economic capability.

26 (iii) The identity of members, notes and other
27 records of agency proposal evaluation committees
28 established under 62 Pa.C.S. § 513 (relating to
29 competitive sealed proposals).

30 (27) A record or information relating to a communication

1 between an agency and the agency's insurance carrier,
2 administrative service organization or risk management
3 office. This paragraph shall not apply to a contract with an
4 insurance carrier, administrative service organization or
5 risk management office or to financial records relating to
6 the provision of insurance.

7 (28) A record or information:

8 (i) identifying an individual who applies for or
9 receives social services; or

10 (ii) relating to the following:

11 (A) the type of social services received by an
12 individual;

13 (B) an individual's application to receive
14 social services, including a record or information
15 related to an agency decision to grant, deny, reduce
16 or restrict benefits, including a quasi-judicial
17 decision of the agency and the identity of a
18 caregiver or others who provide services to the
19 individual; or

20 (C) eligibility to receive social services,
21 including the individual's income, assets, physical
22 or mental health, age, disability, family
23 circumstances or record of abuse.

24 (29) Correspondence between a person and a member of the
25 General Assembly and records accompanying the correspondence
26 which would identify a person that requests assistance or
27 constituent services. This paragraph shall not apply to
28 correspondence between a member of the General Assembly and a
29 principal or lobbyist under 65 Pa.C.S. Ch. 13A (relating to
30 lobbying disclosure).

1 Each applicable fee shall be paid in order to receive access to
2 the record requested. The time for response may not exceed five
3 business days from the date the written request is received by
4 the open-records officer for an agency. If the agency fails to
5 send the response within five business days of receipt of the
6 written request for access, the written request for access shall
7 be deemed denied.

8 § 2902. Extension of time.

9 (a) Determination.--Upon receipt of a written request for
10 access, the open-records officer for an agency shall determine
11 if one of the following applies:

12 (1) the request for access requires redaction of a
13 record in accordance with section 2706 (relating to
14 redaction);

15 (2) the request for access requires the retrieval of a
16 record stored in a remote location;

17 (3) a timely response to the request for access cannot
18 be accomplished due to bona fide and specified staffing
19 limitations;

20 (4) a legal review is necessary to determine whether the
21 record is a record subject to access under this part;

22 (5) the requester has not complied with the agency's
23 policies regarding access to records;

24 (6) the requester refuses to pay applicable fees
25 authorized by this part; or

26 (7) the extent or nature of the request precludes a
27 response within the required time period.

28 (b) Notice.--

29 (1) Upon a determination that one of the factors under
30 subsection (a) applies, the open-records officer shall send

1 written notice to the requester within five business days of
2 receipt of the request for access under subsection (a).

3 (2) The notice shall include a statement notifying the
4 requester that the request for access is being reviewed, the
5 reason for the review, a reasonable date that a response is
6 expected to be provided and an estimate of applicable fees
7 owed when the record becomes available. If the date that a
8 response is expected to be provided is in excess of 30 days,
9 following the five business days allowed under section 2901
10 (relating to general rule), the request for access shall be
11 deemed denied unless the requester has agreed in writing to
12 an extension to the date specified in the notice.

13 (3) If the requester agrees to the extension, the
14 request shall be deemed denied on the day following the date
15 specified in the notice if the agency has not provided a
16 response by that date.

17 § 2903. Denial.

18 If an agency's response is a denial of a written request for
19 access, whether in whole or in part, the denial shall be issued
20 in writing and shall include:

21 (1) A description of the record requested.

22 (2) The specific reasons for the denial, including a
23 citation of supporting legal authority.

24 (3) The typed or printed name, title, business address,
25 business telephone number and signature of the open-records
26 officer on whose authority the denial is issued.

27 (4) Date of the response.

28 (5) The procedure to appeal the denial of access under
29 this part.

30 § 2904. Certified copies.

1 If an agency's response grants a request for access, the
2 agency shall, upon request, provide the requester with a
3 certified copy of the record if the requester pays the
4 applicable fees under section 3307 (relating to fee
5 limitations).

6 § 2905. Record discard.

7 If an agency response to a requester states that copies of
8 the requested records are available for delivery at the office
9 of an agency and the requester fails to retrieve the records
10 within 60 days of the agency's response, the agency may dispose
11 of any copies which have not been retrieved and retain any fees
12 paid to date.

13 CHAPTER 31

14 APPEAL OF AGENCY DETERMINATION

15 Sec.

16 3101. Filing of appeal.

17 3102. Appeals officer.

18 § 3101. Filing of appeal.

19 (a) Authorization.--

20 (1) If a written request for access to a record is
21 denied or deemed denied, the requester may file an appeal
22 with the Office of Open Records or judicial, legislative or
23 other appeals officer designated under section 2503(d)
24 (relating to appeals officer) within 15 business days of the
25 mailing date of the agency's response or within 15 business
26 days of a deemed denial. The appeal shall state the grounds
27 upon which the requester asserts that the record is a public
28 record, legislative record or financial record and shall
29 address any grounds stated by the agency for delaying or
30 denying the request.

1 (2) Except as provided under section 2503(d), in the
2 case of an appeal of a decision by a Commonwealth agency or
3 local agency, the Office of Open Records shall assign an
4 appeals officer to review the denial.

5 (b) Determination.--

6 (1) Unless the requester agrees otherwise, the appeals
7 officer shall make a final determination which shall be
8 mailed to the requester and the agency within 30 days of
9 receipt of the appeal filed under subsection (a).

10 (2) If the appeals officer fails to issue a final
11 determination within 30 days, the appeal is deemed denied.

12 (3) Prior to issuing a final determination, a hearing
13 may be conducted. The determination by the appeals officer
14 shall be a final order. The appeals officer shall provide a
15 written explanation of the reason for the decision to the
16 requester and the agency.

17 (c) Direct interest.--

18 (1) A person other than the agency or requester with a
19 direct interest in the record subject to an appeal under this
20 section may, within 15 days following receipt of actual
21 knowledge of the appeal but no later than the date the
22 appeals officer issues an order, file a written request to
23 provide information or to appear before the appeals officer
24 or to file information in support of the requester's or
25 agency's position.

26 (2) The appeals officer may grant a request under
27 paragraph (1) if:

28 (i) no hearing has been held;

29 (ii) the appeals officer has not yet issued the
30 appeals officer's order; and

1 (iii) the appeals officer believes the information
2 will be probative.

3 (3) Copies of the written request shall be sent to the
4 agency and the requester.

5 § 3102. Appeals officers.

6 (a) Duties.--An appeals officer designated under section
7 2503 (relating to appeals officer) shall do all of the
8 following:

9 (1) Set a schedule for the requester and the open-
10 records officer to submit documents in support of the appeals
11 officer's positions.

12 (2) Review all information filed relating to the
13 request. The appeals officer may hold a hearing. A decision
14 to hold or not to hold a hearing is not appealable. The
15 appeals officer may admit into evidence testimony, evidence
16 and documents that the appeals officer believes to be
17 reasonably probative and relevant to an issue in dispute. The
18 appeals officer may limit the nature and extent of evidence
19 found to be cumulative.

20 (3) Consult with agency counsel as appropriate.

21 (4) Issue a final determination on behalf of the Office
22 of Open Records or other agency.

23 (b) Procedures.--The Office of Open Records, a judicial
24 agency, a legislative agency, the Attorney General, Auditor
25 General, State Treasurer or district attorney may adopt
26 procedures relating to appeals under this chapter. The following
27 apply:

28 (1) If an appeal is resolved without a hearing, 1 Pa.
29 Code Pt. II (relating to general rules of administrative
30 practice and procedure) shall not apply except to the extent

1 that the agency has adopted this chapter in the agency's
2 regulations or rules under this subsection.

3 (2) If a hearing is held, 1 Pa. Code Pt. II shall apply
4 unless the agency has adopted regulations, policies or
5 procedures to the contrary under this subsection.

6 (3) In the absence of a regulation, policy or procedure
7 governing appeals under this chapter, the appeals officer
8 shall rule on procedural matters on the basis of justice,
9 fairness and the expeditious resolution of the dispute.

10 CHAPTER 33

11 JUDICIAL REVIEW

12 Sec.

13 3301. Commonwealth agencies, legislative agencies and judicial
14 agencies.

15 3302. Local agencies.

16 3303. Notice and records.

17 3304. Court costs and attorney fees.

18 3305. Civil penalty.

19 3306. Immunity.

20 3307. Fee limitations.

21 3308. Prohibition.

22 3309. Practice and procedure.

23 3310. Office of Open Records.

24 § 3301. Commonwealth agencies, legislative agencies and
25 judicial agencies.

26 (a) General rule.--Within 30 days of the mailing date of the
27 final determination of the appeals officer relating to a
28 decision of a Commonwealth agency, a legislative agency or a
29 judicial agency issued under section 3101(b) (relating to filing
30 of appeal) or the date a request for access is deemed denied, a

1 requester or the agency may file a petition for review or other
2 document as may be required by rule of court with Commonwealth
3 Court. The decision of the court shall contain findings of fact
4 and conclusions of law based upon the evidence as a whole. The
5 decision shall clearly and concisely explain the rationale for
6 the decision.

7 (b) Stay.--A petition for review under this section shall
8 stay the release of documents until a decision under subsection
9 (a) is issued.

10 § 3302. Local agencies.

11 (a) General rule.--Within 30 days of the mailing date of the
12 final determination of the appeals officer relating to a
13 decision of a local agency issued under section 3101(b)
14 (relating to filing of appeal) or of the date a request for
15 access is deemed denied, a requester or local agency may file a
16 petition for review or other document as required by rule of
17 court with the court of common pleas for the county where the
18 local agency is located. The decision of the court shall contain
19 findings of fact and conclusions of law based upon the evidence
20 as a whole. The decision shall clearly and concisely explain the
21 rationale for the decision.

22 (b) Stay.--A petition for review under this section shall
23 stay the release of documents until a decision under subsection
24 (a) is issued.

25 § 3303. Notice and records.

26 (a) Notice.--An agency, the requester and the Office of Open
27 Records or designated appeals officer shall be served notice of
28 actions commenced in accordance with section 3301 (relating to
29 Commonwealth agencies, legislative agencies and judicial
30 agencies) or 3302 (relating to local agencies) and shall have an

1 opportunity to respond in accordance with applicable court
2 rules.

3 (b) Record on appeal.--The record before a court shall
4 consist of the request, the agency's response, the appeal filed
5 under section 3101 (relating to filing of appeal), the hearing
6 transcript, if any, and the final written determination of the
7 appeals officer.

8 § 3304. Court costs and attorney fees.

9 (a) Reversal of agency determination.--If a court reverses
10 the final determination of the appeals officer or grants access
11 to a record after a request for access was deemed denied, the
12 court may award reasonable attorney fees and costs of litigation
13 or an appropriate portion thereof to a requester if the court
14 finds either of the following:

15 (1) the agency receiving the original request willfully
16 or with wanton disregard deprived the requester of access to
17 a public record subject to access or otherwise acted in bad
18 faith under the provisions of this part; or

19 (2) the exemptions, exclusions or defenses asserted by
20 the agency in its final determination were not based on a
21 reasonable interpretation of law.

22 (b) Sanctions for frivolous requests or appeals.--The court
23 may award reasonable attorney fees and costs of litigation or an
24 appropriate portion thereof to an agency or the requester if the
25 court finds that the legal challenge under this chapter was
26 frivolous.

27 (c) Other sanctions.--Nothing under this part shall prohibit
28 a court from imposing penalties and costs in accordance with
29 applicable rules of court.

30 § 3305. Civil penalty.

1 (a) Denial of access.--A court may impose a civil penalty of
2 not more than \$1,500 if an agency denied access to a public
3 record in bad faith.

4 (b) Failure to comply with court order.--An agency or public
5 official who does not promptly comply with a court order under
6 this part shall be subject to a civil penalty of not more than
7 \$500 per day until the public records are provided.

8 § 3306. Immunity.

9 (a) General rule.--Except as provided under sections 3304
10 (relating to court costs and attorney fees) and 3305 (relating
11 to civil penalty) and other statutes governing the release of
12 records, an agency, public official or public employee may not
13 be liable for civil penalties resulting from compliance or
14 failure to comply with this part.

15 (b) Schedules.--An agency, public official or public
16 employee may not be liable for civil or criminal damages or
17 penalties under this part for complying with any written public
18 record retention and disposition schedule.

19 § 3307. Fee limitations.

20 (a) Postage.--A fee for postage may not exceed the actual
21 cost of mailing.

22 (b) Duplication.--

23 (1) A fee for duplication by photocopying, printing from
24 electronic media or microfilm, copying onto electronic media,
25 transmission by facsimile or other electronic means and other
26 means of duplication shall be established:

27 (i) by the Office of Open Records, for Commonwealth
28 agencies and local agencies;

29 (ii) by each judicial agency; and

30 (iii) by each legislative agency.

1 (2) A fee must be reasonable and based on a prevailing
2 fee for comparable duplication services provided by local
3 business entities.

4 (3) A fee for a local agency may reflect regional price
5 differences.

6 (4) The following shall apply to complex and extensive
7 data sets, including geographic information systems or
8 integrated property assessment lists:

9 (i) A fee for copying may be based on the reasonable
10 market value of the same or closely related data sets.

11 (ii) Subparagraph (i) shall not apply to:

12 (A) a request by an individual employed by or
13 connected with a newspaper or magazine of general
14 circulation, weekly publication, press association or
15 radio or television station, for the purpose of
16 obtaining information for publication or broadcast;
17 or

18 (B) a request by a nonprofit organization for
19 the conduct of educational research.

20 (iii) Information obtained under subparagraph (ii)
21 shall be subject to paragraphs (1), (2) and (3).

22 (c) Certification.--An agency may impose reasonable fees for
23 official certification of copies if the certification is at the
24 behest of the requester and for the purpose of legally verifying
25 the public record.

26 (d) Conversion to paper.--If a record is only maintained
27 electronically or in other nonpaper media, duplication fees
28 shall be limited to the lesser of the fee for duplication on
29 paper or the fee for duplication in the original media as
30 provided by subsection (b) unless the requester specifically

1 requests for the record to be duplicated in the more expensive
2 medium.

3 (e) Enhanced electronic access.--

4 (1) If an agency offers enhanced electronic access to
5 records in addition to making the records accessible for
6 inspection and duplication by a requester as required by this
7 part, the agency may establish a user fee specifically for
8 the provision of the enhanced electronic access, but only to
9 the extent that the enhanced electronic access is in addition
10 to making the records accessible for inspection and
11 duplication by a requester as required under this part.

12 (2) The user fee for enhanced electronic access may be a
13 flat rate, a subscription fee for a period of time, a per-
14 transaction fee, a fee based on the cumulative time of system
15 access or any other reasonable method and any combination of
16 the rate and fees.

17 (3) The user fee for enhanced electronic access must be
18 reasonable, must be approved by the Office of Open Records
19 and may not be established with the intent or effect of
20 excluding persons from access to records or duplicates
21 thereof or of creating profit for the agency.

22 (f) Waiver of fees.--An agency may waive a fee for
23 duplication of a record, including if:

24 (1) the requester duplicates the record; or

25 (2) the agency deems it is in the public interest to do
26 so.

27 (g) Limitations.--Except as otherwise provided under
28 statute, no other fee may be imposed unless the agency
29 necessarily incurs costs for complying with the request and the
30 fee is reasonable. A fee may not be imposed for an agency's

1 review of a record to determine whether the record is a public
2 record, legislative record or financial record subject to access
3 in accordance with this part.

4 (h) Prepayment.--Prior to granting a request for access in
5 accordance with this part, an agency may require a requester to
6 prepay an estimate of the fee authorized under this section if
7 the fee required to fulfill the request is expected to exceed
8 \$100.

9 § 3308. Prohibition.

10 A policy or regulation adopted under this part may not
11 include any of the following:

12 (1) A limitation on the number of records which may be
13 requested or made available for inspection or duplication.

14 (2) A requirement to disclose the purpose or motive in
15 requesting access to records.

16 § 3309. Practice and procedure.

17 The provisions of Part II shall not apply to this part unless
18 specifically adopted by regulation or policy.

19 § 3310. Office of Open Records.

20 (a) Establishment.--The Office of Open Records is
21 established in the Department of Community and Economic
22 Development. The office shall do all of the following:

23 (1) Provide information relating to the implementation
24 and enforcement of this part.

25 (2) Issue advisory opinions to agencies and requesters.

26 (3) Provide annual training courses to agencies, public
27 officials and public employees on this part and 65 Pa.C.S.
28 Ch. 7 (relating to open meetings).

29 (4) Provide annual, regional training courses to local
30 agencies, public officials and public employees.

1 (5) Assign appeals officers to review appeals of
2 decisions by Commonwealth agencies or local agencies, except
3 as provided under section 2503(d) (relating to appeals
4 officer), filed under section 3101 (relating to filing of
5 appeal) and issue orders and opinions. The office shall
6 employ or contract with attorneys to serve as appeals
7 officers to review appeals and, if necessary, to hold
8 hearings on a regional basis under this part. Each appeals
9 officer must comply with all of the following:

10 (i) Complete a training course provided by the
11 Office of Open Records prior to acting as an appeals
12 officer.

13 (ii) If a hearing is necessary, hold hearings
14 regionally as necessary to ensure access to the remedies
15 provided by this part.

16 (iii) Comply with the procedures under section
17 3102(b) (relating to appeals officer).

18 (6) Establish an informal mediation program to resolve
19 disputes under this part.

20 (7) Establish a publicly accessible Internet website
21 with information relating to this part, including information
22 on fees, advisory opinions and decisions and the name and
23 address of all open records officers in this Commonwealth.

24 (8) Conduct a biannual review of fees charged under this
25 part.

26 (9) Annually report on the office's activities and
27 findings to the Governor and the General Assembly. The report
28 shall be posted and maintained on the publicly accessible
29 Internet website established under paragraph (7).

30 (b) Executive director.--The Governor shall appoint an

1 executive director of the office who shall serve for a term of
2 six years. Compensation shall be set by the Executive Board
3 established under section 204 of the act of April 9, 1929
4 (P.L.177, No.175), known as The Administrative Code of 1929. An
5 executive director may serve no more than two terms.

6 (c) Limitation.--The executive director may not seek
7 election nor accept appointment to any political office during
8 the executive director's tenure as executive director and for
9 one year thereafter.

10 (d) Staffing.--The executive director shall appoint
11 attorneys to act as appeals officers and additional clerical,
12 technical and professional staff as may be appropriate and may
13 contract for additional services as necessary for the
14 performance of the executive director's duties. The compensation
15 of attorneys and other staff shall be set by the Executive
16 Board. The appointment of attorneys shall not be subject to the
17 act of October 15, 1980 (P.L.950, No.164), known as the
18 Commonwealth Attorneys Act.

19 (e) Duties.--The executive director shall ensure that the
20 duties of the Office of Open Records are carried out and shall
21 monitor cases appealed to the Office of Open Records.

22 (f) Appropriation.--The appropriation for the office shall
23 be in a separate line item and shall be under the jurisdiction
24 of the executive director.

25 CHAPTER 35

26 STATE-RELATED INSTITUTIONS

27 Sec.

28 3501. (Reserved).

29 3502. Reporting.

30 3503. Contents of report.

1 3504. Copies and posting.

2 § 3501. (Reserved).

3 § 3502. Reporting.

4 No later than May 30 of each year, a State-related
5 institution shall file with the Governor's Office, the General
6 Assembly, the Auditor General and the State Library the
7 information under section 3503 (relating to contents of report).

8 § 3503. Contents of report.

9 The report required under section 3502 (relating to
10 reporting) shall include the following:

11 (1) Except as provided under paragraph (4), all
12 information required by Form 990 or an equivalent form of the
13 Internal Revenue Service, entitled the Return of Organization
14 Exempt From Income Tax, regardless of whether the State-
15 related institution is required to file the form by the
16 Federal Government.

17 (2) The salaries of all officers and directors of the
18 State-related institution.

19 (3) The highest 25 salaries paid to employees of the
20 institution that are not included under paragraph (2).

21 (4) The report shall not include information relating to
22 individual donors.

23 § 3504. Copies and posting.

24 A State-related institution shall maintain, for at least
25 seven years, a copy of the report in the institution's library
26 and shall provide free access to the report on the institution's
27 Internet website.

28 CHAPTER 37

29 STATE CONTRACT INFORMATION

30 Sec.

1 3701. Submission and retention of contracts.

2 3702. Public availability of contracts.

3 § 3701. Submission and retention of contracts.

4 (a) General rule.--If a Commonwealth agency, legislative
5 agency or judicial agency enters into a contract involving
6 property, real, personal or mixed of any kind or description or
7 a contract for personal services where the consideration
8 involved in the contract is at least \$5,000, a copy of the
9 contract shall be filed with the Treasury Department within 10
10 days after the contract is fully executed on behalf of the
11 Commonwealth agency, legislative agency or judicial agency or
12 otherwise becomes an obligation of the Commonwealth agency,
13 legislative agency or judicial agency. The provisions of this
14 chapter shall not apply to contracts for services protected by a
15 privilege. The provisions of this chapter shall not apply to a
16 purchase order evidencing fulfillment of an existing contract
17 but shall apply to a purchase order evidencing new obligations.
18 The following shall apply:

19 (1) Each Commonwealth agency, legislative agency and
20 judicial agency shall submit contracts in a form and
21 structure mutually agreed upon by the Commonwealth agency,
22 legislative agency or judicial agency and the State
23 Treasurer.

24 (2) The Treasury Department may require each
25 Commonwealth agency, legislative agency or judicial agency to
26 provide a summary with each contract, which shall include the
27 following:

28 (i) Date of execution.

29 (ii) Amount of the contract.

30 (iii) Beginning date of the contract.

1 (iv) End date of the contract, if applicable.

2 (v) Name of the agency entering into the contract.

3 (vi) The name of all parties executing the contract.

4 (vii) Subject matter of the contract.

5 (3) Each agency shall create and maintain the data under
6 paragraph (2) in an ASCII-delimited text file, spreadsheet
7 file or other file provided by Treasury Department
8 regulation.

9 (b) Retention.--Every contract filed under subsection (a)
10 shall remain on file with the Treasury Department for a period
11 of not less than four years after the end date of the contract.

12 (c) Accuracy.--Each Commonwealth agency, legislative agency
13 and judicial agency is responsible for verifying the accuracy
14 and completeness of the information that it submits to the State
15 Treasurer. The contract provided to the Treasury Department
16 under this chapter shall be redacted in accordance with
17 applicable provisions of this part by the agency filing the
18 contract.

19 (d) Applicability.--The provisions of this part shall not
20 apply to copies of contracts submitted to the Treasury
21 Department, the Department of the Auditor General or other
22 agency for purposes of audits and warrants for disbursements
23 under section 307, 401, 402 or 403 of the act of April 9, 1929
24 (P.L.343, No.176), known as The Fiscal Code.

25 § 3702. Public availability of contracts.

26 (a) General rule.--The Treasury Department shall make each
27 contract filed under section 3701 (relating to submission and
28 retention of contracts) available for public inspection either
29 by posting a copy of the contract on the Treasury Department's
30 publicly accessible Internet website or by posting a contract

1 summary on the department's publicly accessible Internet
2 website.

3 (b) Posting.--The Treasury Department shall post the
4 information received under this chapter in a manner that allows
5 the public to search contracts or contract summaries by the
6 categories enumerated in section 3701(a) (2).

7 (c) Request to review or receive copy of contract.--The
8 Treasury Department shall maintain a page on its publicly
9 accessible Internet website that includes instructions on how to
10 review a contract on the Internet website.

11 (d) Paper copy.--A paper copy of a contract may be requested
12 from the agency that executed the contract in accordance with
13 this part.

14 CHAPTER 39

15 MISCELLANEOUS PROVISIONS

16 Sec.

17 3901. (Reserved).

18 3902. Relation to other laws.

19 3903. Severability.

20 3904. References.

21 § 3901. (Reserved).

22 § 3902. Relation to other laws.

23 If the provisions of this part regarding access to records
24 conflict with any other Federal or State law, the provisions of
25 this part shall not apply.

26 § 3903. Severability.

27 All provisions of this part are severable.

28 § 3904. References.

29 Notwithstanding 1 Pa.C.S. § 1937(b) (relating to references
30 to statutes and regulations), a reference in a statute or

1 regulation to the former act of June 21, 1957 (P.L.390, No.212),
2 referred to as the Right-to-Know Law, or the former act of
3 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law,
4 shall be deemed a reference to this part.

5 Section 8. Sections 705(a)(3), 1517(a)(1) and (b)(1),
6 4187.7(f), 5112, 9311(m), 9312(5), 9318(g) and 9336(f) of Title
7 3 are amended to read:

8 § 705. Control orders.

9 (a) Authority of department.--

10 * * *

11 (3) The hearing under paragraph (2) shall be conducted
12 in accordance with 2 Pa.C.S. [(relating to administrative law
13 and procedure)] Pt. II (relating to practice). The written
14 control order of the department shall be served upon the
15 affected person by personal service or by registered or
16 certified mail, return receipt requested. The control order
17 shall become final upon the expiration of the 15-day period
18 for requesting an administrative hearing unless a timely
19 request for a hearing has been filed with the department.

20 * * *

21 § 1517. Control orders.

22 (a) Noxious weeds.--

23 (1) The department may issue a control order requiring a
24 person to implement treatment measures for noxious weeds. The
25 control order shall state the general factual and legal basis
26 for the action and shall advise the affected person that,
27 within 15 days of receipt of the control order, the affected
28 person may file with the department a written request for an
29 administrative hearing. The hearing shall be conducted in
30 accordance with 2 Pa.C.S. [(relating to administrative law

1 and procedure)] Pt. II (relating to practice).

2 * * *

3 (b) Controlled plants.--

4 (1) The department may issue a control order requiring a
5 controlled plant permit holder or a person required to have
6 the permit to implement treatment measures for a controlled
7 plant. The department may issue a control order for
8 controlled plants if the department finds that a controlled
9 plant is growing on any premises or property without a valid
10 permit. The order shall state the general factual and legal
11 basis for the action and advise the affected person that
12 within 15 days of receipt of the order, the affected person
13 may file with the department a written request for an
14 administrative hearing. The hearing shall be conducted in
15 accordance with 2 Pa.C.S. Pt. II.

16 * * *

17 § 4187.7. Violations and penalties.

18 * * *

19 (f) Hearings.--No civil penalty shall be assessed under this
20 section unless the person charged has been given notice and
21 opportunity for hearing in accordance with 2 Pa.C.S. [(relating
22 to administrative law and procedure)] Pt. II (relating to
23 practice).

24 * * *

25 § 5112. Civil penalties.

26 In addition to any other remedy available at law or in equity
27 for a violation of this chapter, the department may assess a
28 civil penalty upon a person for a violation of this chapter. The
29 department shall give notice to the person and shall provide an
30 opportunity for a hearing. The hearing shall be conducted in

1 accordance with [Title 2 (relating to administrative law and
2 procedure)] 2 Pa.C.S. Pt. II (relating to practice). The civil
3 penalty assessed shall not exceed \$2,500. The civil penalty
4 shall be payable to the department and shall be collectible in
5 any manner provided by law for the collection of debt. If any
6 person liable to pay a civil penalty neglects or refuses to pay
7 it after demand, the amount of the civil penalty, together with
8 interest and any other costs that may accrue, shall be a lien in
9 favor of the Commonwealth upon the real and personal property of
10 the person after the lien has been entered and docketed of
11 record by the prothonotary of the county where the property is
12 situated. It is the duty of each prothonotary, upon receipt of
13 the certified copy of the lien, to enter and docket the lien in
14 the records of his office and to index the lien as judgments are
15 indexed without requiring the payment of costs as a condition
16 precedent to entry.

17 § 9311. State Horse Racing Commission.

18 * * *

19 (m) Public records.--The commission shall annually post on
20 its Internet website a list of all the itemized expenses of
21 employees and commissioners that were or are to be reimbursed
22 from the State Racing Fund. The list shall identify the nature
23 of the expense, the employee, member or the agency and employee
24 of the agency to which an expense is attributable. By October 1
25 of each year, a final report of all expenses described in this
26 subsection for the preceding fiscal year shall be posted on the
27 commission's Internet website and shall be submitted to the
28 Appropriations Committee of the Senate, the Agriculture and
29 Rural Affairs Committee of the Senate, the Appropriations
30 Committee of the House of Representatives and the Agriculture

1 and Rural Affairs Committee of the House of Representatives.
2 Information posted on the Internet website under this subsection
3 shall be financial records for the purposes of and subject to
4 redaction under [the act of February 14, 2008 (P.L.6, No.3),
5 known as the Right-to-Know Law] 2 Pa.C.S. Pt. IV (relating to
6 Right-to-Know).

7 * * *

8 § 9312. Additional powers of commission.

9 The commission shall regulate horse racing at which pari-
10 mutuel wagering is conducted and approve the number of racing
11 days allocated to each licensed racing entity. In addition to
12 any other powers of the commission:

13 * * *

14 (5) The commission's consideration and resolution of all
15 license or other regulatory administrative actions shall be
16 conducted in accordance with 2 Pa.C.S. [(relating to
17 administrative law and procedure)] Pt. II (relating to
18 practice) or with procedures adopted by order of the
19 commission. Notwithstanding 2 Pa.C.S. §§ 504 (relating to
20 hearing and record) and 505 (relating to evidence and cross-
21 examination), the commission may adopt procedures to provide
22 parties before it with a documentary hearing and may resolve
23 disputed material facts without conducting an oral hearing
24 where constitutionally permissible.

25 * * *

26 § 9318. Licenses for horse race meetings.

27 * * *

28 (g) Cessation.--If a revocation or failure to renew a
29 license under subsection (e) occurs, the licensee's
30 authorization to conduct previously approved activity shall

1 immediately cease, subject to 2 Pa.C.S. [(relating to
2 administrative law and procedure)] Pt. II (relating to
3 practice). In the case of a suspension, the licensee's
4 authorization to conduct previously approved activity shall
5 immediately cease until the commission has notified the licensee
6 that the suspension is no longer in effect. After request for a
7 hearing by a licensee, the commission may grant a supersedeas,
8 pending the final determination of the suspension.

9 * * *

10 § 9336. Pennsylvania Breeding Fund.

11 * * *

12 (f) Pennsylvania Horse Breeders' Association.--The
13 commission shall contract with the Pennsylvania Horse Breeders'
14 Association as the organization responsible for the registration
15 and records of Pennsylvania-bred thoroughbred race horses. The
16 Pennsylvania Horse Breeders' Association shall advise the
17 commission when called upon and shall determine the
18 qualifications for Pennsylvania-bred thoroughbred race horses
19 and Pennsylvania sires. Registration and records of the
20 association shall be official records of the Commonwealth and
21 shall be subject to [the act of February 14, 2008 (P.L.6, No.3),
22 known as the Right-to-Know Law] 2 Pa.C.S. Pt. IV (relating to
23 Right-to-Know). At the close of each calendar year, the
24 Pennsylvania Horse Breeders' Association shall submit to the
25 commission for its approval an itemized budget of projected
26 expenses for the ensuing year relating to the administration and
27 development of the Pennsylvania Breeding Fund Program. The
28 commission, on no more than a quarterly basis, shall reimburse
29 from the fund the Pennsylvania Horse Breeders' Association for
30 those expenses actually incurred in the administration and

1 development of the Pennsylvania Breeding Fund Program.

2 Section 9. Sections 314(d) (3), 1201.1(a), 1202.2(b),
3 1205(a), 1211(a.3), 13A14(a), 1518.2(h), 3305(b) (3) and 3907(h)
4 of Title 4 are amended to read:

5 § 314. Board minutes and records.

6 * * *

7 (d) Confidentiality of information.--

8 * * *

9 (3) Except as provided in paragraph (1), no claim of
10 confidentiality shall be made regarding a record in
11 possession of the board that is otherwise publicly available
12 from the board under [the act of February 14, 2008 (P.L.6,
13 No.3), known as the Right-to-Know Law] 2 Pa.C.S. Pt. IV
14 (relating to Right-to-Know).

15 * * *

16 § 1201.1. Applicability of other statutes.

17 (a) General rule.--The following acts shall apply to the
18 board:

19 [(1) The act of February 14, 2008 (P.L.6, No.3), known
20 as the Right-to-Know Law.]

21 (2) The act of July 19, 1957 (P.L.1017, No.451), known
22 as the State Adverse Interest Act.

23 (2.1) The provisions of 2 Pa.C.S. Pt. IV (relating to
24 Right-to-Know).

25 (3) The provisions of 65 Pa.C.S. Chs. 7 (relating to
26 open meetings) and 11 (relating to ethics standards and
27 financial disclosure).

28 * * *

29 § 1202.2. Expenses of regulatory agencies.

30 * * *

1 (b) Receipts.--In order to receive reimbursement for an
2 expense under subsection (a), the individual seeking
3 reimbursement must submit a receipt to the appropriate agency
4 documenting the expense incurred. Receipts and requests for
5 reimbursement shall be financial records for purposes of, and
6 subject to redaction under, [the act of February 14, 2008
7 (P.L.6, No.3), known as the Right-to-Know Law] 2 Pa.C.S. Pt. IV
8 (relating to Right-to-Know).

9 § 1205. License or permit application hearing process; public
10 input hearings.

11 (a) General rule.--The board's consideration and resolution
12 of all license or permit applications shall be conducted in
13 accordance with 2 Pa.C.S. [(relating to administrative law and
14 procedure)] Pt. II (relating to practice) or with procedures
15 adopted by order of the board. Notwithstanding the requirements
16 of 2 Pa.C.S. §§ 504 (relating to hearing and record) and 505
17 (relating to evidence and cross-examination) as they relate to
18 the conduct of oral hearings, the board may adopt procedures to
19 provide parties before it with a documentary hearing, and the
20 board may resolve disputed material facts without conducting an
21 oral hearing where constitutionally permissible.

22 * * *

23 § 1211. Reports of board.

24 * * *

25 (a.3) Expenses.--Beginning 30 days after the effective date
26 of this subsection, the board shall post, within 45 days after
27 the end of each month on its Internet website, a list of all the
28 itemized expenses of employees and members for that month that
29 were or are to be reimbursed from the assessments made by the
30 department under section 1402(a) (relating to gross terminal

1 revenue deductions) and all itemized expenses of employees of
2 the department and the Office of Attorney General and troopers
3 and employees of the Pennsylvania State Police for the preceding
4 month that were or are to be reimbursed from such assessments.
5 The list shall identify the nature of the expense, the employee,
6 member or the agency and employee of the agency to which an
7 expense is attributable. If the expense is directly attributable
8 to or paid by a licensed gaming entity, the list shall identify
9 the licensed gaming entity and if the expense was charged to the
10 licensed gaming entity. By October 1 of each year, a final
11 report of all expenses described in this subsection for the
12 preceding fiscal year shall be posted on the board's Internet
13 website and shall be submitted to the Appropriations Committee
14 of the Senate, the Community, Economic and Recreational
15 Development Committee of the Senate, the Appropriations
16 Committee of the House of Representatives and the Gaming
17 Oversight Committee of the House of Representatives. Information
18 posted on the Internet website pursuant to this subsection shall
19 be financial records for the purposes of and subject to
20 redaction under [the act of February 14, 2008 (P.L.6, No.3),
21 known as the Right-to-Know Law] 2 Pa.C.S. Pt. IV (relating to
22 Right-to-Know). The board, the department, the Office of
23 Attorney General and the Pennsylvania State Police shall
24 collaborate to develop a uniform system that will enable the
25 board to carry out the requirements of this subsection.

26 * * *

27 § 13A14. Table game authorization hearing process; public input
28 hearings.

29 (a) General rule.--The board's consideration and resolution
30 of all petitions to conduct table games shall be conducted in

1 accordance with 2 Pa.C.S. [(relating to administrative law and
2 procedure)] Pt. II (relating to practice) or with procedures
3 adopted by order of the board. Notwithstanding the requirements
4 of 2 Pa.C.S. §§ 504 (relating to hearing and record) and 505
5 (relating to evidence and cross-examination) as they relate to
6 the conduct of oral hearings, the board may adopt procedures to
7 provide parties before it with a documentary hearing, and the
8 board may resolve disputed material facts without conducting an
9 oral hearing where constitutionally permissible.

10 * * *

11 § 1518.2. Additional authority.

12 * * *

13 (h) Definition.--As used in this section the term "agency"
14 shall mean a "Commonwealth agency" or a "local agency" as those
15 terms are defined in [section 102 of the act of February 14,
16 2008 (P.L.6, No.3), known as the Right-to-Know Law] 2 Pa.C.S. §
17 2102 (relating to definitions).

18 § 3305. Records and confidentiality of information.

19 * * *

20 (b) Confidentiality of information.--

21 * * *

22 (3) Except as provided in paragraph (1), no claim of
23 confidentiality may be made regarding a record in possession
24 of the board that is otherwise publicly available from the
25 board under [the act of February 14, 2008 (P.L.6, No.3),
26 known as the Right-to-Know Law] 2 Pa.C.S. Pt. IV (relating to
27 Right-to-Know).

28 * * *

29 § 3907. Additional authority.

30 * * *

1 (h) Definition.--As used in this section, the term "agency"
2 shall mean a "Commonwealth agency" or a "local agency" as those
3 terms are defined in [section 102 of the act of February 14,
4 2008 (P.L.6, No.3), known as the Right-to-Know Law] 2 Pa.C.S. §
5 2102 (relating to definitions).

6 Section 10. Section 1301 of Title 5 is amended to read:

7 § 1301. Commission hearings.

8 The commission shall conduct all hearings under the
9 provisions of [Title 2 (relating to administrative law and
10 procedure)] 2 Pa.C.S. Pt. II (relating to practice). The
11 commission shall conduct a hearing within ten business days from
12 the time any recommendation is made by the executive director
13 that a permit or license be suspended or revoked.

14 Section 11. Sections 1113 and 3501(c) (6) of Title 8 are
15 amended to read:

16 § 1113. Records open to inspection.

17 The fiscal records and documents and the minute book and
18 other records and documents of every borough shall be open in
19 accordance with [the act of February 14, 2008 (P.L.6, No.3),
20 known as the Right-to-Know Law] 2 Pa.C.S. Pt. IV (relating to
21 Right-to-Know).

22 § 3501. Repeals.

23 * * *

24 (c) Law not repealed.--Nothing under this part shall be
25 construed to repeal any of the following:

26 * * *

27 (6) [The act of February 14, 2008 (P.L.6, No.3), known
28 as the Right-to-Know Law] 2 Pa.C.S. Pt. IV (relating to
29 Right-to-Know).

30 * * *

1 Section 12. Sections 10405(b), 11016.1(c), 11208(d) (2),
2 11704(e), 11705(b.1), 12104(b) (4), 141A04(b), 14303.2(c) and
3 14702(2) of Title 11 are amended to read:

4 § 10405. Notice of election and review of report.

5 * * *

6 (b) Contents.--An election notice under subsection (a) must
7 contain a statement of the issue to be submitted to the
8 registered voters at the election, including each ward or parts
9 of a ward to be affected and the date on which the election is
10 to be held. The notice shall reference the report and specify
11 that it is available for review and copying as a public record
12 under [the act of February 14, 2008 (P.L.6, No.3), known as the
13 Right-to-Know Law] 2 Pa.C.S. Pt. IV (relating to Right-to-Know).

14 § 11016.1. Appointment of city clerk.

15 * * *

16 (c) Custody.--The records of council shall be in the actual
17 or constructive custody of the city clerk and shall be subject
18 to inspection and copying in accordance with [the act of
19 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law]
20 2 Pa.C.S. Pt. IV (relating to Right-to-Know).

21 § 11208. Salary.

22 * * *

23 (d) Marriage ceremonies.--

24 * * *

25 (2) The honorarium, fee or reimbursement under paragraph
26 (1) shall not exceed \$150 for each ceremony performed. The
27 mayor shall keep accurate accounts of the fees received
28 relating to the performance of marriage ceremonies and submit
29 a quarterly report of money received for that period to
30 council. The quarterly report shall include the amount of

1 money received, the names of individuals from whom money was
2 received and the date and location of the performed ceremony.
3 The quarterly report shall be a public record in accordance
4 with [the act of February 14, 2008 (P.L.6, No.3), known as
5 the Right-to-Know Law] 2 Pa.C.S. Pt. IV (relating to Right-
6 to-Know).

7 * * *

8 § 11704. Powers and duties of city controller.

9 * * *

10 (e) Statements.--The city controller may present council
11 with annual or periodic statements concerning the results of the
12 city controller's examination of accounts, which shall be public
13 records in accordance with [the act of February 14, 2008 (P.L.6,
14 No.3), known as the Right-to-Know Law] 2 Pa.C.S. Pt. IV
15 (relating to Right-to-Know).

16 § 11705. Annual report to council and appeals.

17 * * *

18 (b.1) Right-to-know.--Reports prepared under this section
19 shall be public in accordance with [the act of February 14, 2008
20 (P.L.6, No.3), known as the Right-to-Know Law] 2 Pa.C.S. Pt. IV
21 (relating to Right-to-Know).

22 * * *

23 § 12104. Fire marshal.

24 * * *

25 (b) Powers.--

26 * * *

27 (4) The records of the fire marshal shall be open to
28 public inspection, except as exempted in accordance with [the
29 act of February 14, 2008 (P.L.6, No.3), known as the Right-
30 to-Know Law] 2 Pa.C.S. Pt. IV (relating to Right-to-Know).

1 The fire marshal shall submit to council an annual report
2 consolidating the information contained in the records as
3 directed by council.

4 * * *

5 § 141A04. Property maintenance code.

6 * * *

7 (b) Public availability.--The full text of the property
8 maintenance code need not be published, but, in accordance with
9 section 11018.9 (relating to publication of proposed
10 ordinances), it shall be sufficient to publish a summary setting
11 forth the provisions of the ordinance in reasonable detail and a
12 reference to a place within the city where copies of the
13 proposed ordinance may be examined. Not fewer than three copies
14 of the proposed property maintenance code shall be made
15 available to public inspection and use during business hours.
16 Copies shall also be made available to an interested party in
17 accordance with [the act of February 14, 2008 (P.L.6, No.3),
18 known as the Right-to-Know Law] 2 Pa.C.S. Pt. IV (relating to
19 Right-to-Know), or may be furnished or loaned without charge.

20 * * *

21 § 14303.2. Total disability.

22 * * *

23 (c) Procedure.--A claim under this section may be initiated
24 as the regulations of council prescribe. Hearings and appeals
25 shall be as provided in 2 Pa.C.S. [(relating to administrative
26 law and procedure)] Pt. II (relating to practice).

27 * * *

28 § 14702. Construction of part.

29 Nothing contained in this part shall be construed to repeal:

30 * * *

1 (2) The [act of February 14, 2008 (P.L.6, No.3), known
2 as the Right-to-Know Law] provisions of 2 Pa.C.S. Pt. IV
3 (relating to Right-to-Know).

4 * * *

5 Section 13. Section 9518(f)(1)(i) of Title 13 is amended to
6 read:

7 § 9518. Claim concerning inaccurate or wrongfully filed record.

8 * * *

9 (f) Fraudulent financing statements.--

10 (1) The Department of State may conduct an
11 administrative hearing to determine if an initial financing
12 statement was fraudulently filed in accordance with the
13 following:

14 (i) The hearing shall be conducted in accordance
15 with 2 Pa.C.S. [(relating to Administrative Law and
16 Procedure)] Pt. II (relating to practice). The department
17 shall determine the initial financing statement to be
18 fraudulently filed for purposes of this subsection if it
19 determines that no rational basis exists under section
20 9509 entitling the person to file the initial financing
21 statement and it appears that the person filed the
22 initial financing statement with intent to annoy, harass
23 or harm the debtor.

24 * * *

25 Section 14. Section 137(c)(2) of Title 15 is amended to
26 read:

27 § 137. Court to pass upon rejection of documents by Department
28 of State.

29 * * *

30 (c) Exceptions.--

1 * * *

2 (2) A determination by the department with respect to
3 the registrability of a label or other mark under Title 54
4 (relating to names) or otherwise affecting the status of a
5 label or other mark shall be subject to judicial review under
6 [Title 2 (relating to administrative law and procedure)] 2
7 Pa.C.S. Pt. II (relating to practice) and not under this
8 section.

9 Section 15. Sections 3214(e) (2) and 9514(b) of Title 18 are
10 amended to read:

11 § 3214. Reporting.

12 * * *

13 (e) Statistical reports; public availability of reports.--

14 * * *

15 (2) Reports filed pursuant to subsection (a) or (h)
16 shall not be deemed [public records within the meaning of
17 that term as defined by the act of June 21, 1957 (P.L.390,
18 No.212), referred to as the Right-to-Know Law] a public
19 record as that term is defined in 2 Pa.C.S. § 2102 (relating
20 to definitions), and shall remain confidential, except that
21 disclosure may be made to law enforcement officials upon an
22 order of a court of common pleas after application showing
23 good cause therefor. The court may condition disclosure of
24 the information upon any appropriate safeguards it may
25 impose.

26 * * *

27 § 9514. Determination that further investigation not warranted.

28 * * *

29 (b) Form of notification.--The notification shall contain a
30 summary of the information received, a summary of the results of

1 the preliminary investigation and all materials collected as
2 part of the preliminary investigation. The summaries shall be
3 confidential and not subject to public disclosure. The summaries
4 shall be considered an exception for the purposes of [section
5 708(b)(16) of the act of February 14, 2008 (P.L.6, No.3), known
6 as the Right-to-Know Law] 2 Pa.C.S. § 2708(b)(16) (relating to
7 exceptions for public records).

8 Section 16. Sections 8619(a), 8622(c.1)(5), 8626(b)(3) and
9 8657(b)(3) of Title 20 are amended to read:

10 § 8619. Use of driver's license or identification card to
11 indicate organ or tissue donation.

12 (a) General rule.--The Department of Transportation shall
13 redesign the driver's license and identification card
14 application system to process requests for information regarding
15 consent of the individual to organ or tissue donation. The
16 following question shall be asked on both the application for a
17 driver's license or identification card and on the organ donor
18 designation at a photo center:

19 Pennsylvania strongly supports organ and tissue donation
20 because of its life-saving and life-enhancing
21 opportunities.

22 Do you wish to have the organ donor designation printed
23 on your driver's license?

24 Only an affirmative response of an individual shall be noted on
25 the front of the driver's license or identification card and
26 shall clearly indicate the individual's intent to donate his
27 organs or tissue. Nothing in this section shall be construed to
28 authorize a donation of a hand, facial tissue, limb or other
29 vascularized composite allograft. The Department of
30 Transportation shall record and store all donor designations in

1 the Donate Life PA Registry. Subject to an individual's wishes
2 as expressed in a document listed under sections 8613(e)(2)
3 (relating to manner of executing anatomical gifts) and to the
4 individual's wishes under section 8617(c)(3) (relating to
5 requests for anatomical gifts), the recorded and stored
6 designation is sufficient to satisfy all requirements for
7 consent to organ and tissue donation. The recorded and stored
8 designation is not a public record subject to disclosure as
9 defined in [section 102 of the act of February 14, 2008 (P.L.6,
10 No.3), known as the Right-to-Know Law] 2 Pa.C.S. § 2102
11 (relating to definitions).

12 * * *

13 § 8622. The Governor Robert P. Casey Memorial Organ and Tissue
14 Donation Awareness Trust Fund.

15 * * *

16 (c.1) Advisory committee.--

17 * * *

18 (5) The advisory committee shall submit a report
19 concerning the advisory committee's activities and progress
20 to the Secretary of the Senate and the Chief Clerk of the
21 House of Representatives by October 31 of each even-numbered
22 year. A final written report under this section shall be
23 adopted at a public meeting. The report shall be a public
24 record under [the act of February 14, 2008 (P.L.6, No.3),
25 known as the Right-to-Know Law] 2 Pa.C.S. Pt. IV (relating to
26 Right-to-Know).

27 * * *

28 § 8626. Facilitation of anatomical gift from decedent whose
29 death is under investigation.

30 * * *

1 (b) Full denial of recovery of organs.--If a coroner or
2 medical examiner is considering denying recovery of all of the
3 organs of a decedent, the coroner or medical examiner shall
4 comply with the procedure set forth in this subsection. The
5 following apply:

6 * * *

7 (3) If, after the review of the testing and medical
8 procedures set forth in paragraph (2), the coroner or medical
9 examiner or a designee intends to deny recovery of all of the
10 decedent's organs, the coroner or medical examiner or a
11 designee must provide a written statement explaining the
12 reason for the denial. The statement shall be provided to the
13 designated organ procurement organization upon request. The
14 coroner or medical examiner or a designee shall ensure that
15 the written statement is made part of the coroner's or
16 medical examiner's file. The written statement shall be
17 exempt from [the act of February 14, 2008 (P.L.6, No.3),
18 known as the Right-to-Know Law] 2 Pa.C.S. Pt. IV (relating to
19 Right-to-Know).

20 * * *

21 § 8657. Gift of vascularized composite allograft from decedent
22 whose death is under investigation.

23 * * *

24 (b) Denial of recovery of vascularized composite
25 allograft.--If a coroner or medical examiner is considering
26 denying recovery of the vascularized composite allograft of an
27 individual, the coroner or medical examiner shall comply with
28 the procedure set forth in this subsection. The following apply:

29 * * *

30 (3) If, after the review of the testing and medical

1 procedures set forth in paragraph (2), the coroner or medical
2 examiner or a designee intends to deny recovery of the
3 vascularized composite allograft, the coroner or medical
4 examiner or a designee must provide a written statement
5 explaining the reason for the denial. The statement shall be
6 provided to the designated organ procurement organization
7 upon request. The coroner or medical examiner or a designee
8 shall ensure the written statement is made part of the
9 coroner's or medical examiner's file. The written statement
10 shall be exempt from [the act of February 14, 2008 (P.L.6,
11 No.3), known as the Right-to-Know Law] 2 Pa.C.S. Pt. IV
12 (relating to Right-to-Know).

13 * * *

14 Section 17. Sections 4308(d), 4352(d.1)(4), 6105(e)(5),
15 6108.2(f), 6108.3(h), 6108.4(a), 6344(n), 6344.2(d) and 6703(d)
16 of Title 23 are amended to read:

17 § 4308. Lottery winnings intercept.

18 * * *

19 (d) Right to review.--A lottery prizewinner whose prize is
20 used to satisfy an obligation under this section may appeal to
21 the department in accordance with 2 Pa.C.S. [(relating to
22 administrative law and procedure)] Pt. II (relating to
23 practice). The appeal shall be filed within 30 days after the
24 prizewinner is notified by the Department of Revenue that the
25 prize has been reduced or totally withheld to satisfy the
26 prizewinner's outstanding arrearages for child support and
27 related obligations.

28 * * *

29 § 4352. Continuing jurisdiction over support orders.

30 * * *

1 (d.1) Real property liens.--

2 * * *

3 (4) The amount of overdue support owed by an obligor and
4 the name of the obligor shall be public information and shall
5 be deemed a public record subject to [the act of June 21,
6 1957 (P.L.390, No.212), referred to as the Right-to-Know Law]
7 2 Pa.C.S. Pt. IV (relating to Right-to-Know).

8 * * *

9 § 6105. Responsibilities of law enforcement agencies.

10 * * *

11 (e) Statewide registry.--

12 * * *

13 (5) Information contained in the Statewide registry
14 shall not be subject to access under [the act of June 21,
15 1957 (P.L.390, No.212), referred to as the Right-to-Know Law]
16 2 Pa.C.S. Pt. IV (relating to Right-to-Know).

17 * * *

18 § 6108.2. Relinquishment for consignment sale, lawful transfer
19 or safekeeping.

20 * * *

21 (f) Nondisclosure.--The affidavit obtained under subsection
22 (c) shall not be subject to access under [the act of June 21,
23 1957 (P.L.390, No.212), referred to as the Right-to-Know Law] 2
24 Pa.C.S. Pt. IV (relating to Right-to-Know).

25 * * *

26 § 6108.3. Relinquishment to third party for safekeeping.

27 * * *

28 (h) Nondisclosure.--All copies of the safekeeping permit
29 issued under subsection (b) (2) retained by the sheriff and the
30 affidavits and forms obtained under subsection (b) (3) and (4)

1 shall not be subject to access under [the act of June 21, 1957
2 (P.L.390, No.212), referred to as the Right-to-Know Law] 2
3 Pa.C.S. Pt. IV (relating to Right-to-Know).

4 * * *

5 § 6108.4. Registry or database of firearm ownership.

6 (a) Confidentiality.--Information retained to ensure
7 compliance with this chapter and to document the return of
8 firearms shall not be subject to access under [the act of June
9 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know
10 Law] 2 Pa.C.S. Pt. IV (relating to Right-to-Know).

11 * * *

12 § 6344. Employees having contact with children; adoptive and
13 foster parents.

14 * * *

15 (n) Confidentiality.--The information provided and compiled
16 under this section, including, but not limited to, the names,
17 addresses and telephone numbers of applicants and foster and
18 adoptive parents, shall be confidential and shall not be subject
19 to [the act of February 14, 2008 (P.L.6, No.3), known as the
20 Right-to-Know Law] 2 Pa.C.S. Pt. IV (relating to Right-to-Know).
21 This information shall not be released except as permitted by
22 the department through regulation.

23 * * *

24 § 6344.2. Volunteers having contact with children.

25 * * *

26 (d) Departmental treatment of information.--Information
27 provided and compiled under this section by the department shall
28 be confidential and shall not be subject to [the act of February
29 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law] 2
30 Pa.C.S. Pt. IV (relating to Right-to-Know). This information

1 shall not be released except as permitted by the department
2 through regulation. The department may charge a fee to conduct a
3 certification as required by section 6344(b)(2) in accordance
4 with the provisions of section 6344(h). The department shall
5 promulgate regulations necessary to carry out this subsection.

6 * * *

7 § 6703. Address Confidentiality Program.

8 * * *

9 (d) Records.--All records relating to applicants and program
10 participants are the property of the Office of Victim Advocate.
11 These records, including program applications, participants'
12 actual addresses and waiver proceedings, shall be kept
13 confidential and shall not be subject to [the provisions of the
14 act of June 21, 1957 (P.L.390, No.212), referred to as the
15 Right-to-Know Law] 2 Pa.C.S. Pt. IV (relating to Right-to-Know),
16 except that records may be released as specifically set forth in
17 this chapter and to a district attorney to the extent necessary
18 for the prosecution of conduct as set forth in section 6711
19 (relating to penalties).

20 Section 18. Sections 8502(e)(2), (3), (4), (5), (6) and (7)
21 and 8538(d)(1) of Title 24 are amended to read:

22 § 8502. Administrative duties of board.

23 * * *

24 (e) Records.--

25 * * *

26 (2) Any record, material or data received, prepared,
27 used or retained by the board or its employees, investment
28 professionals or agents relating to an investment shall not
29 constitute a public record subject to public access
30 under [the act of February 14, 2008 (P.L.6, No.3), known as

1 the Right-to-Know Law] 2 Pa.C.S. Pt. IV (relating to Right-
2 to-Know), if, in the reasonable judgment of the board, the
3 access would:

4 (i) in the case of an alternative investment or
5 alternative investment vehicle involve the release of
6 sensitive investment or financial information relating to
7 the alternative investment or alternative investment
8 vehicle which the fund or trust was able to obtain only
9 upon agreeing to maintain its confidentiality;

10 (ii) cause substantial competitive harm to the
11 person from whom sensitive investment or financial
12 information relating to the investment was received; or

13 (iii) have a substantial detrimental impact on the
14 value of an investment to be acquired, held or disposed
15 of by the fund or trust, or would cause a breach of the
16 standard of care or fiduciary duty set forth in this
17 part.

18 (3) The following apply:

19 (i) The sensitive investment or financial
20 information excluded from access under paragraph (2)(i),
21 to the extent not otherwise excluded from access, shall
22 constitute a public record subject to public access under
23 [the Right-to-Know Law] 2 Pa.C.S. Pt. IV once the board
24 is no longer required by its agreement to maintain
25 confidentiality.

26 (ii) The sensitive investment or financial
27 information excluded from access under paragraph (2)(ii),
28 to the extent not otherwise excluded from access, shall
29 constitute a public record subject to public access under
30 [the Right-to-Know Law] 2 Pa.C.S. Pt. IV once:

1 (A) the access no longer causes substantial
2 competitive harm to the person from whom the
3 information was received; or

4 (B) the entity in which the investment was made
5 is liquidated;

6 whichever is later.

7 (iii) The sensitive investment or financial
8 information excluded from access under paragraph (2)
9 (iii), to the extent not otherwise excluded from access,
10 shall constitute a public record subject to public access
11 under [the Right-to-Know Law] 2 Pa.C.S. Pt. IV once:

12 (A) the access no longer has a substantial
13 detrimental impact on the value of an investment of
14 the fund or trust and would not cause a breach of the
15 standard of care or fiduciary duty set forth in this
16 part; or

17 (B) the entity in which the investment was made
18 is liquidated;

19 whichever is later.

20 (4) Except for the provisions of paragraph (3), nothing
21 in this subsection shall be construed to designate any
22 record, material or data received, prepared, used or retained
23 by the board or its employees, investment professionals or
24 agents relating to an investment as a public record subject
25 to public access under [the Right-to-Know Law] 2 Pa.C.S. Pt.
26 IV.

27 (5) Notwithstanding the provisions of this subsection,
28 the following information regarding an alternative investment
29 vehicle shall be subject to public access under [the Right-
30 to-Know Law] 2 Pa.C.S. Pt. IV:

1 (i) The name, address and vintage year of the
2 alternative investment vehicle.

3 (ii) The identity of the manager of the alternative
4 investment vehicle.

5 (iii) The dollar amount of the commitment made by
6 the system or plan to the alternative investment vehicle.

7 (iv) The dollar amount of cash contributions made by
8 the system or plan to the alternative investment vehicle
9 since inception.

10 (v) The dollar amount of cash distributions received
11 by the system or plan from the alternative investment
12 vehicle since inception.

13 (vi) The net internal rate of return of the
14 alternative investment vehicle since inception, provided
15 that the system or plan shall not be required to disclose
16 the net internal rate of return under circumstances in
17 which, because of the limited number of portfolio assets
18 remaining in the alternative investment vehicle, the
19 disclosure could reveal the values of specifically
20 identifiable remaining portfolio assets to the detriment
21 of the alternative investment.

22 (vii) The aggregate value of the remaining portfolio
23 assets attributable to the system's or plan's investment
24 in the alternative investment vehicle, provided that the
25 system or plan shall not be required to disclose the
26 value under circumstances in which, because of the
27 limited number of portfolio assets remaining in the
28 alternative investment vehicle, the disclosure could
29 reveal the values of specifically identifiable remaining
30 portfolio assets to the detriment of the alternative

1 investment.

2 (viii) The dollar amount of total management fees
3 and costs paid to the alternative investment vehicle by
4 the system or plan on an annual fiscal year-end basis.

5 (6) Any record, material or data received, prepared,
6 used or retained by the board or its employees or agents
7 relating to the contributions, account value or benefits
8 payable to or on account of a participant shall not
9 constitute a public record subject to public access under
10 [the Right-to-Know Law] 2 Pa.C.S. Pt. IV, if, in the
11 reasonable judgment of the board, the access would disclose
12 any of the following:

13 (i) The existence, date, amount and any other
14 information pertaining to the voluntary contributions,
15 including rollover contributions and trustee-to-trustee
16 transfers, of any participant.

17 (ii) The investment option selections of any
18 participant.

19 (iii) The balance of a participant's individual
20 investment account, including the amount distributed to
21 the participant, and any investment gains or losses, or
22 rates of return.

23 (iv) The identity of a participant's designated
24 beneficiary, successor payee or alternate payee.

25 (v) The benefit payment option of a participant.

26 (7) The following shall apply:

27 (i) Nothing in this part shall be construed to mean
28 that the release or publicizing of a record, material or
29 data that would not constitute a public record under this
30 subsection shall be a violation of the board's fiduciary

1 duties.

2 (ii) This subsection shall apply to a record,
3 material or data under this subsection, notwithstanding
4 whether:

5 (A) the record, material or data was created,
6 generated or stored before the effective date of this
7 section;

8 (B) the record, material or data was previously
9 released or made public; or

10 (C) a request for the record, material or data
11 was made or is pending final response under [the
12 former act of June 21, 1957 (P.L.390, No.212),
13 referred to as the Right-to-Know Law, or the Right-
14 to-Know Law] 2 Pa.C.S. Pt. IV.

15 * * *

16 § 8538. Public Pension Management and Asset Investment Review
17 Commission.

18 * * *

19 (d) Transparency and ethics.--The Public Pension Management
20 and Asset Investment Review Commission shall be subject to the
21 following laws:

22 (1) The [act of February 14, 2008 (P.L.6, No.3), known
23 as the Right-to-Know Law] provisions of 2 Pa.C.S. Pt. IV
24 (relating to Right-to-Know).

25 * * *

26 Section 19. Section 3507(c)(2) of Title 25 is amended to
27 read:

28 § 3507. Timeliness and scope of ballot application.

29 * * *

30 (c) E-mail address information.--

1 * * *

2 (2) An e-mail address provided by a covered voter may
3 not be made available to the public or any individual or
4 organization other than an authorized agent of the county
5 election board and shall be exempt from disclosure under [the
6 act of February 14, 2008 (P.L.6, No.3), known as the Right-
7 to-Know Law] 2 Pa.C.S. Pt. IV (relating to Right-to-Know).

8 * * *

9 Section 20. The definition of "Commonwealth agency" in
10 section 202 of Title 26 is amended to read:

11 § 202. Definitions.

12 The following words and phrases when used in this chapter
13 shall have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 * * *

16 "Commonwealth agency." As defined in 2 Pa.C.S. § [101] 301
17 (relating to definitions).

18 * * *

19 Section 21. Sections 3119(a) and 6512(a) of Title 27 are
20 amended to read:

21 § 3119. Confidential information.

22 (a) General rule.--Except as provided in subsection (b),
23 information required to be submitted to the department under
24 this chapter shall be subject to the provisions of [the act of
25 June 21, 1957 (P.L.390, No.212), referred to as the Right-to-
26 Know Law] 2 Pa.C.S. Pt. IV (relating to Right-to-Know).

27 * * *

28 § 6512. Registry; substitute notice.

29 (a) Registry.--The department shall establish and maintain a
30 registry which contains all environmental covenants and any

1 amendment or termination of those covenants. The registry may
2 also contain any other information concerning environmental
3 covenants and the real property subject to them which the
4 department considers appropriate. The registry is a public
5 record for purposes of [the act of June 21, 1957 (P.L.390,
6 No.212), referred to as the Right-to-Know Law] 2 Pa.C.S. Pt. IV
7 (relating to Right-to-Know).

8 * * *

9 Section 22. Sections 324 and 7313(c) of Title 30 are amended
10 to read:

11 § 324. Commission records.

12 Any records maintained by the commission or any issuing agent
13 or other agent of the commission that contain or include the
14 home address of any individuals or any other personal
15 information about individuals such as height, weight, color of
16 hair and/or color of eyes, including but not limited to fishing
17 licenses and applications therefor, boat registrations and
18 applications therefor and permits and applications therefor, are
19 not public records [as defined in section 1 of the act of June
20 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know
21 Law] under 2 Pa.C.S. Pt. IV (relating to Right-to-Know).

22 § 7313. Suspension or revocation of license.

23 * * *

24 (c) Judicial review.--Any applicant or licensee aggrieved by
25 an adjudication of the commission may appeal in accordance with
26 [Title 2 (relating to administrative law and procedure)] 2
27 Pa.C.S. Pt. II (relating to practice). Whether or not a
28 supersedeas is granted, the licensee may continue to fish for
29 shad up to the date of the final decision of the court without
30 being held to have violated the provisions of this chapter.

1 Section 23. Sections 561 and 562(a) (5) of Title 34 are
2 amended to read:

3 § 561. Appointment of hearing examiner.

4 Within 15 days following receipt of a request for review
5 under section 545 (relating to request for review) or 554
6 (relating to request for review), a hearing examiner designated
7 by the director shall select a location and a time for hearing
8 the review, which location shall be within the county of origin
9 of the dispute. The applicant for review or the commission
10 officer investigating the claim may, at the time of the review,
11 appear personally or with counsel to testify and present
12 witnesses and evidence in their behalf and to confront and
13 examine witnesses. The hearing shall be conducted in accordance
14 with the provisions of [Title 2 (relating to administrative law
15 and procedure)] 2 Pa.C.S. Pt. II (relating to practice) and the
16 regulations promulgated by the commission.

17 § 562. Powers and duties of hearing examiner.

18 (a) General rule.--The hearing examiner shall have the
19 following powers and duties:

20 * * *

21 (5) Perform, take or order any and all actions which are
22 necessary to comply with [Title 2 (relating to administrative
23 law and procedure)] 2 Pa.C.S. Pt. II (relating to practice).

24 * * *

25 Section 24. Sections 5399(a) and 8157 of Title 35 are
26 amended to read:

27 § 5399. Prohibited release of information.

28 (a) Prohibition.--Notwithstanding any other law, in a
29 response to a request under [the act of February 14, 2008
30 (P.L.6, No.3), known as the Right-to-Know Law] 2 Pa.C.S. Pt. IV

1 (relating to Right-to-Know), a PSAP may not release individual
2 identifying information of an individual calling a 911 center,
3 victim or witness.

4 * * *

5 § 8157. Adjudications and judicial review.

6 Except as provided under this chapter for an emergency
7 suspension, the department shall hold hearings and issue
8 adjudications in accordance with 2 Pa.C.S. [(relating to
9 administrative law and procedure)] Pt. II (relating to
10 practice). The adjudications may be appealed to the Commonwealth
11 Court under 42 Pa.C.S. § 763 (relating to direct appeals from
12 government agencies).

13 Section 25. Sections 306(4), 506(c) and 507(b)(8) of Title
14 37 are amended to read:

15 § 306. Publications and reproductions.

16 The commission shall have the power and duty to:

17 * * *

18 (4) Proprietary rights to subscription lists.--Maintain
19 proprietary rights over subscriber, membership or address
20 lists that it creates which are excluded from provisions of
21 [the act of June 21, 1957 (P.L.390, No.212), referred to as
22 the Right-to-Know Law] 2 Pa.C.S. Pt. IV (relating to Right-
23 to-Know).

24 § 506. Archaeological field investigations on Commonwealth
25 land.

26 * * *

27 (c) Survey of archaeological resources.--The commission
28 shall conduct surveys and prepare maps of archaeological
29 resources located on lands in this Commonwealth and may make
30 available the results of these surveys to the Federal

1 Government, Commonwealth agencies and political subdivisions
2 conducting activities which would affect these archaeological
3 resources. The commission shall have and maintain proprietary
4 rights over the maps and surveys indicating the location of
5 archaeological resources or archaeological field investigations
6 that have been inventoried or surveyed. These maps and surveys
7 are excluded from the provisions of [the act of June 21, 1957
8 (P.L.390, No.212), referred to as the Right-to-Know Law] 2_
9 Pa.C.S. Pt. IV (relating to Right-to-Know). The commission shall
10 make available in writing, within 30 days of a request, site
11 location information based on recorded material evidence of the
12 commission to Commonwealth agencies, political subdivisions,
13 owners of the site, potential buyers of the site and agents of
14 the site owner with a demonstrated need to know. The failure of
15 the commission to provide this written response shall release
16 the requestor from any further duties under this act.

17 * * *

18 § 507. Cooperation by public officials with the commission.

19 * * *

20 (b) Survey or investigation by commission.--

21 * * *

22 (8) All determinations by the commission under this
23 section shall be subject to the provisions of [Title 2
24 (relating to administrative law and procedure)] 2 Pa.C.S. Pt.
25 IV (relating to Right-to-Know).

26 Section 26. Sections 3907(a)(3) and (g)(2), 7132(3), 9307(a)
27 (3) and 9513(a)(3) of Title 40 are amended to read:

28 § 3907. Confidentiality.

29 (a) General rule.--The CGAD-related information in the
30 possession or control of the department that is produced by,

1 obtained by or disclosed to the department or any other person
2 under this chapter shall be privileged and given confidential
3 treatment and shall not be:

4 * * *

5 (3) subject to [the act of February 14, 2008 (P.L.6,
6 No.3), known as the Right-to-Know Law] 2 Pa.C.S. Pt. IV
7 (relating to Right-to-Know); or

8 * * *

9 (g) Information with third parties.--CGAD-related
10 information in the possession or control of the NAIC or a third-
11 party consultant as provided under this chapter shall:

12 * * *

13 (2) not be subject to [the Right-to-Know Law] 2 Pa.C.S.
14 Pt. IV;

15 * * *

16 § 7132. General rule for confidential information.

17 Except as otherwise provided in this subchapter, confidential
18 information shall be privileged and given confidential treatment
19 and shall not be:

20 * * *

21 (3) Subject to [the act of February 14, 2008 (P.L.6,
22 No.3), known as the Right-to-Know Law] 2 Pa.C.S. Pt. IV
23 (relating to Right-to-Know).

24 § 9307. Confidentiality and disclosure.

25 (a) General rule.--Except as provided in this chapter, all
26 working papers, recorded information, documents and copies of
27 working papers, recorded information and documents produced by,
28 obtained by or disclosed to the exchange authority or any other
29 person in the course of the exercise of the exchange authority's
30 powers and duties under this chapter:

1 * * *

2 (3) shall not be subject to [the act of February 14,
3 2008 (P.L.6, No.3), known as the Right-to-Know Law] 2 Pa.C.S.
4 Pt. IV (relating to Right-to-Know);

5 * * *

6 § 9513. Confidentiality and information disclosure.

7 (a) General rule.--Except as provided for in this section,
8 all working papers, recorded information, documents and copies
9 of working papers, recorded information and documents produced
10 by, obtained by or disclosed to the department or any other
11 person in the course of exercising the department's powers and
12 duties under this chapter:

13 * * *

14 (3) shall not be subject to [the act of February 14,
15 2008 (P.L.6, No.3), known as the Right-to-Know Law] 2 Pa.C.S.
16 Pt. IV (relating to Right-to-Know);

17 * * *

18 Section 27. The definition of "administrative proceeding" in
19 section 4402 of Title 42 is amended to read:

20 § 4402. Definitions.

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

24 "Administrative proceeding." Any proceeding other than a
25 judicial proceeding, the outcome of which is required to be
26 based on a record or documentation prescribed by law or in which
27 law or regulation is particularized in application to
28 individuals. The term includes an appeal as defined in 2 Pa.C.S.
29 § [101] 301 (relating to definitions).

30 * * *

1 Section 28. Sections 4521.1(e) (6), 62A04(c) (5), 67A02 and
2 67A03(1) of Title 42 are amended to read:

3 § 4521.1. Statewide jury information system.

4 * * *

5 (e) Restrictions on use of information.--Information
6 provided by the departments to the Court Administrator of
7 Pennsylvania shall be provided by agreement executed by the
8 appropriate authorities. The agreement shall include, but not be
9 limited to, the following conditions:

10 * * *

11 (6) Except as provided in section 4521(b), nothing
12 submitted, created or produced under this section shall
13 constitute a public document, nor shall it be subject to
14 release or disclosure under [the act of June 21, 1957
15 (P.L.390, No.212), referred to as the Right-to-Know Law] 2
16 Pa.C.S. Pt. IV (relating to Right-to-Know), or any other
17 similar rule, enactment or decision.

18 § 62A04. Responsibilities of law enforcement agencies.

19 * * *

20 (c) Statewide registry.--

21 * * *

22 (5) Information contained in the Statewide registry
23 relating to orders shall not be subject to access under [the
24 act of February 14, 2008 (P.L.6, No.3), known as the Right-
25 to-Know Law] 2 Pa.C.S. Pt. IV (relating to Right-to-Know).

26 § 67A02. Scope of chapter.

27 (a) Exemption.--The provisions of this chapter, and not [the
28 act of February 14, 2008 (P.L.6, No.3), known as the Right-to-
29 Know Law] 2 Pa.C.S. Pt. IV (relating to Right-to-Know), shall
30 apply to any audio recording or video recording made by a law

1 enforcement agency.

2 (b) Limitation.--Nothing in this chapter nor [the Right-to-
3 Know Law] 2 Pa.C.S. Pt. IV shall establish a right to production
4 of an audio recording or video recording made inside a facility
5 owned or operated by a law enforcement agency or to any
6 communications between or within law enforcement agencies
7 concerning an audio or video recording.

8 § 67A03. Requests for law enforcement audio recordings or video
9 recordings.

10 The following shall apply:

11 (1) An individual who requests an audio recording or
12 video recording made by a law enforcement agency shall,
13 within 60 days of the date when the audio recording or video
14 recording was made, serve a written request to the individual
15 who is designated as the open-records officer for the law
16 enforcement agency under [section 502 of the act of February
17 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law] 2
18 Pa.C.S. § 2502 (relating to open-records officer). Service is
19 effective upon receipt of the written request by the open-
20 records officer from personal delivery or certified mail with
21 proof of service.

22 * * *

23 Section 29. Sections 722(a) and 901(a) of Title 45 are
24 amended to read:

25 § 722. Deposit of documents required.

26 (a) General rule.--Two duplicate original copies, certified
27 by the executive officer, chairman or secretary of the agency,
28 or by the Administrative Office of Pennsylvania Courts or the
29 clerk or prothonotary of the Supreme Court, in the case of a
30 judicial document, of any document required or authorized to be

1 published under this subchapter, shall be deposited with the
2 Legislative Reference Bureau. If the bureau finds that such
3 document has been approved as to legality, if such approval is
4 required by [2 Pa.C.S. § 305 (relating to approval as to
5 legality)] section 205 of the act of July 31, 1968 (P.L.769,
6 No.240), referred to as the Commonwealth Documents Law, and is
7 in the form and format required by any applicable regulations
8 promulgated under [2 Pa.C.S. § 306 (relating to format of
9 regulations)] section 206 of the Commonwealth Documents Law or
10 section 509 [of this title] (relating to format of documents),
11 it shall file such document, assign thereto and indicate thereon
12 a distinctive serial number, and indicate thereon the date and
13 time of filing.

14 * * *

15 § 901. Official text of published documents.

16 (a) General rule.--The official text, as published as
17 provided in Subchapter B of Chapter 7 (relating to publication
18 of documents), of any document required or authorized to be
19 published in the code, the permanent supplements thereto, or the
20 bulletin, shall from the date of such publication be the only
21 valid and enforceable text of such document regardless of any
22 discrepancy between such official text and the agency text of
23 such document. Thereafter any amendment to such document shall
24 be drawn as an amendment to the official text thereof. If an
25 agency discovers a discrepancy between the agency text and the
26 official text of a document, the agency shall forthwith deposit,
27 without regard to the requirements of [2 Pa.C.S. § 301 (relating
28 to notice of proposed rule making) and 2 Pa.C.S. § 302 (relating
29 to adoption of administrative regulations)] sections 201 and 202
30 of the act of July 31, 1968 (P.L.769, No.240), referred to as

1 the Commonwealth Documents Law with the Legislative Reference
2 Bureau an appropriate corrective amendment to the official text,
3 and the agency may specify that such amendment shall be
4 effective as of the effective date of the defective official
5 text, but only persons who have had actual knowledge of the
6 discrepancy shall be affected by such amendment prior to the
7 publication of the official text thereof in the manner
8 prescribed in this part. The purpose of this section is to
9 permit the public to rely absolutely upon the correctness of the
10 text of a regulation, statement of policy or other document as
11 published in the code, the supplements thereto, or the bulletin
12 by declaring such published text to be the only legal evidence
13 of the valid and enforceable text of such regulation, statement
14 of policy or other document.

15 * * *

16 Section 30. Sections 702(12), 712(e) and 8905 of Title 51
17 are amended to read:

18 § 702. Duties of department.

19 The department shall have the power and its duty shall be:

20 * * *

21 (12) To investigate the circumstances and adjudicate in
22 accordance with [Title 2 (relating to administrative law and
23 procedure)] 2 Pa.C.S. Pt. II (relating to practice)
24 complaints of violations of Chapters 41 (relating to rights
25 and immunities) and 73 (relating to military leave of
26 absence), including complaints of employment discrimination
27 against and violation of reemployment rights of members of
28 the National Guard and other reserve components of the armed
29 forces of the United States. The authority granted in this
30 paragraph shall not extend to those circumstances that the

1 Federal Government has jurisdiction to investigate.

2 § 712. Veterans registry.

3 * * *

4 (e) Use of information.--Information collected under this
5 section may not be sold or used for commercial purposes or used
6 for purposes not specified under this section. Information
7 collected under this section for the registry shall be exempt
8 from being disclosed under [the act of February 14, 2008 (P.L.6,
9 No.3), known as the Right-to-Know Law] 2 Pa.C.S. Pt. IV
10 (relating to Right-to-Know).

11 * * *

12 § 8905. Appeals.

13 Any applicant aggrieved by a determination of the commission
14 may appeal that determination to the Adjutant General under the
15 provisions of [Title 2 (relating to administrative law and
16 procedure)] 2 Pa.C.S. Pt. II (relating to practice).

17 Section 31. Sections 5508.3(a)(2), 57A02(d), 57A09(c),
18 57A18(e)(4), 8831(c)(7), 8841(d)(2) and 8852(a) of Title 53 are
19 amended to read:

20 § 5508.3. Restrictions on authorities in cities of the first
21 class.

22 (a) Restricted activities, statement of financial interests;
23 public meetings and records.--

24 * * *

25 (2) The authority shall be subject to and treated as a
26 Commonwealth agency for purposes of [the act of June 21, 1957
27 (P.L.390, No.212), referred to as the Right-to-Know Law] 2
28 Pa.C.S. Pt. IV (relating to Right-to-Know).

29 * * *

30 § 57A02. License required.

1 * * *

2 (d) Regulatory jurisdiction.--The authority shall have
3 exclusive regulatory jurisdiction over transportation network
4 service originating in the city and may adopt rules and
5 regulations as authorized under section 57A21(c) (relating to
6 enforcement and rules and regulations). The authority is
7 empowered to issue, suspend, cancel or revoke transportation
8 network company licenses or issue an order requiring
9 disqualification of a driver in accordance with section 57A19
10 (relating to penalties). The authority shall be authorized to
11 inspect, audit and investigate any records of the transportation
12 network company as necessary to ensure compliance with this
13 chapter in accordance with section 57A18 (relating to records
14 and reports). Information disclosed to the authority under this
15 chapter shall be exempt from disclosure to a third person,
16 including through a request submitted under [the act of February
17 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law] 2
18 Pa.C.S. Pt. IV (relating to Right-to-Know).

19 § 57A09. Vehicle inspections.

20 * * *

21 (c) Identifying information.--Except as otherwise provided
22 in this section, the license plate information provided by a
23 transportation network company to the authority under subsection
24 (b) and any other identifying information obtained by the
25 authority about the vehicles or drivers that undergo vehicle
26 inspections in accordance with this section is confidential and
27 shall not be subject to disclosure to a third party by the
28 authority, including through a request submitted under [the act
29 of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know
30 Law] 2 Pa.C.S. Pt. IV (relating to Right-to-Know).

1 * * *

2 § 57A18. Records and reports.

3 * * *

4 (e) Construction.--

5 * * *

6 (4) Except as otherwise provided in this section,
7 information produced to the authority in furtherance of an
8 enforcement investigation or pursuant to this section shall
9 not be released to a third party, including through a request
10 submitted under [the act of February 14, 2008 (P.L.6, No.3),
11 known as the Right-to-Know Law] 2 Pa.C.S. Pt. IV (relating to
12 Right-to-Know).

13 * * *

14 § 8831. Chief assessor.

15 * * *

16 (c) Duties of chief assessor.--It shall be the duty of the
17 chief assessor to:

18 * * *

19 (7) Compile and periodically update a list of the names
20 and mailing addresses of each taxing district within the
21 county. The list shall be published, with the assistance of
22 the county commissioners, on the county's publicly accessible
23 Internet website and shall be made available in printed form
24 in a manner consistent with [the act of February 14, 2008
25 (P.L.6, No.3), known as the Right-to-Know Law] 2 Pa.C.S. Pt.
26 IV (relating to Right-to-Know). Content or omissions in a
27 list assembled and distributed in accordance with this
28 paragraph shall not affect the validity of any appeal or give
29 rise to any action in law or equity.

30 * * *

1 § 8841. Assessment roll and interim revisions.

2 * * *

3 (d) Public inspection of assessment rolls.--

4 * * *

5 (2) This subsection shall be not be construed to limit
6 the right of any resident of this Commonwealth to access
7 public records in accordance with [the act of February 14,
8 2008 (P.L.6, No.3), known as the Right-to-Know Law] 2 Pa.C.S.
9 Pt. IV (relating to Right-to-Know).

10 § 8852. Regulations and training of boards.

11 (a) Regulations.--Subject to the approval of the county
12 commissioners, the board may adopt, amend, alter and rescind
13 regulations for the administration of and the conduct of
14 business and proceedings for itself and for auxiliary appeal
15 boards. The regulations may require a witness providing
16 testimony at a hearing relative to any aspect of the value of
17 the real estate which is the subject of the assessment or
18 reassessment appeal to disclose, under oath, whether any
19 compensation paid for the testimony is contingent on the result
20 obtained. The regulations shall be in writing and shall be a
21 public record open to examination, inspection and copying in
22 accordance with [the act of February 14, 2008 (P.L.6, No.3),
23 known as the Right-to-Know Law] 2 Pa.C.S. Pt. IV (relating to
24 Right-to-Know).

25 * * *

26 Section 32. Sections 3222(b.2) and 3222.1(e) of Title 58 are
27 amended to read:

28 § 3222. Well reporting requirements.

29 * * *

30 (b.2) Trade secret or confidential proprietary

1 information.--When an operator submits its stimulation record
2 under subsection (b.1), the operator may designate specific
3 portions of the stimulation record as containing a trade secret
4 or confidential proprietary information. The department shall
5 prevent disclosure of a designated trade secret or confidential
6 proprietary information to the extent permitted [by the act of
7 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law]
8 under 2 Pa.C.S. Pt. IV (relating to Right-to-Know) or other
9 applicable State law.

10 * * *

11 § 3222.1. Hydraulic fracturing chemical disclosure
12 requirements.

13 * * *

14 (e) Disclosure prevented.--The department shall prevent
15 disclosure of trade secrets or confidential proprietary
16 information under this section pursuant to the requirements of
17 [the Right-to-Know Law] 2 Pa.C.S. Pt. IV (relating to Right-to-
18 Know) or other applicable State law.

19 * * *

20 Section 33. Sections 106.1(a) and (b) (4), 1711.1(1) and
21 1712.1(f) of Title 62 are amended to read:

22 § 106.1. Public access to procurement records.

23 (a) General rule.--Records concerning a procurement shall be
24 made public, consistent with [the act of February 14, 2008
25 (P.L.6, No.3), known as the Right-to-Know Law] 2 Pa.C.S. Pt. IV
26 (relating to Right-to-Know).

27 (b) Public posting and availability of procurement
28 information.--The purchasing agency shall post the following
29 procurement documents on the department's or, in the case of an
30 independent agency, its own publicly accessible Internet website

1 or otherwise make available in the manner indicated below:

2 * * *

3 (4) The written determination required by section 513(g)
4 shall be posted upon receipt of the final negotiated contract
5 signed by the selected offeror. Subject to proper redaction
6 under [the Right-to-Know Law] 2 Pa.C.S. Pt. IV, responsive
7 proposals received by the purchasing agency and, until fully
8 executed, the final negotiated contract are not required to
9 be posted but shall be made available to the public upon
10 request.

11 * * *

12 § 1711.1. Protests of solicitations or awards.

13 * * *

14 (1) Applicability.--This section shall be the exclusive
15 procedure for protesting a solicitation or award of a contract
16 by a bidder or offeror, a prospective bidder or offeror or a
17 prospective contractor that is aggrieved in connection with the
18 solicitation or award of a contract. The provisions of 2 Pa.C.S.
19 [(relating to administrative law and procedure)] Pt. II
20 (relating to practice) shall not apply to this section.

21 § 1712.1. Contract controversies.

22 * * *

23 (f) Applicability.--The provisions of 2 Pa.C.S. [(relating
24 to administrative law and procedure)] Pt. II (relating to
25 practice) shall not apply to this section.

26 Section 34. Sections 1511(m) and 6017(b) of Title 64 are
27 amended to read:

28 § 1511. Authority.

29 * * *

30 (m) Applicability.--The following acts shall apply to the

1 authority and the board:

2 [(1) The act of June 21, 1957 (P.L.390, No.212),
3 referred to as the Right-to-Know Law.]

4 (2) The act of July 19, 1957 (P.L.1017, No.451), known
5 as the State Adverse Interest Act.

6 (2.1) The provisions of 2 Pa.C.S. Pt. IV (relating to
7 Right-to-Know).

8 (3) The provisions of 65 Pa.C.S. Chs. 7 (relating to
9 open meetings) and 11 (relating to ethics standards and
10 financial disclosure).

11 § 6017. Interests of public officers, public employees and
12 party officers.

13 * * *

14 (b) Restricted activities; statement of financial interests;
15 public meetings and records.--The provisions of 65 Pa.C.S. Ch.
16 11 (relating to ethics standards and financial disclosure) and
17 the act of July 19, 1957 (P.L.1017, No.451), known as the State
18 Adverse Interest Act, are specifically applicable to board
19 members, officers and employees of the authority. For the
20 purposes of application of those acts, employees of the
21 authority shall be regarded as public employees of the
22 Commonwealth, and officers or board members of the authority
23 shall be regarded as public officials of the Commonwealth,
24 whether or not they receive compensation. The authority shall
25 also be subject to 2 Pa.C.S. Pt. IV (relating to Right-to-Know)
26 and 65 Pa.C.S. Ch. 7 (relating to open meetings) [and the act of
27 June 21, 1957 (P.L.390, No.212), referred to as the Right-to-
28 Know Law].

29 * * *

30 Section 35. Sections 708(a)(1) and 13A06(13) of Title 65 are

1 amended to read:

2 § 708. Executive sessions.

3 (a) Purpose.--An agency may hold an executive session for
4 one or more of the following reasons:

5 (1) To discuss any matter involving the employment,
6 appointment, termination of employment, terms and conditions
7 of employment, evaluation of performance, promotion or
8 disciplining of any specific prospective public officer or
9 employee or current public officer or employee employed or
10 appointed by the agency, or former public officer or
11 employee, provided, however, that the individual employees or
12 appointees whose rights could be adversely affected may
13 request, in writing, that the matter or matters be discussed
14 at an open meeting. The agency's decision to discuss such
15 matters in executive session shall not serve to adversely
16 affect the due process rights granted by law, including those
17 granted by [Title 2 (relating to administrative law and
18 procedure)] 2 Pa.C.S. Pt. II (relating to practice). The
19 provisions of this paragraph shall not apply to any meeting
20 involving the appointment or selection of any person to fill
21 a vacancy in any elected office.

22 * * *

23 § 13A06. Exemption from registration and reporting.

24 The following persons and activities shall be exempt from
25 registration under section 13A04 (relating to registration) and
26 reporting under section 13A05 (relating to reporting):

27 * * *

28 (13) Participating as a party or as an attorney at law
29 or representative of a party, case or controversy in any
30 administrative adjudication pursuant to 2 Pa.C.S. [(relating

1 to administrative law and procedure] Pt. II (relating to
2 practice).

3 * * *

4 Section 36. Sections 335(d), 2212(t), 2604.2 and 3209 of
5 Title 66 are amended to read:

6 § 335. Initial decisions and release of documents.

7 * * *

8 (d) Release of documents.--In addition to any other
9 requirements imposed by law, including the [act of June 21, 1957
10 (P.L.390, No.212), referred to as the Right-to-Know Law, and the
11 act of July 3, 1986 (P.L.388, No.84) known as the Sunshine Act,]
12 provisions of 2 Pa.C.S. Pt. IV (relating to Right-to-Know) and
13 65 Pa.C.S. Ch. 7 (relating to open meetings), whenever the
14 commission conducts an investigation of an act or practice of a
15 public utility and makes a decision, enters into a settlement
16 with a public utility or takes any other official action, as
17 defined in the Sunshine Act, with respect to its investigation,
18 it shall make part of the public record and release publicly any
19 documents relied upon by the commission in reaching its
20 determination, whether prepared by consultants or commission
21 employees, other than documents protected by legal privilege;
22 provided, however, that if a document contains trade secrets or
23 proprietary information and it has been determined by the
24 commission that harm to the person claiming the privilege would
25 be substantial or if a document required to be released under
26 this section contains identifying information which would
27 operate to the prejudice or impairment of a person's reputation
28 or personal security, or information that would lead to the
29 disclosure of a confidential source or subject a person to
30 potential economic retaliation as a result of their cooperation

1 with a commission investigation, or information which, if
2 disclosed to the public, could be used for criminal or
3 terroristic purposes, the identifying information may be
4 expurgated from the copy of the document made part of the public
5 record. For the purposes of this section, "a document" means a
6 report, memorandum or other document prepared for or used by the
7 commission in the course of its investigation whether prepared
8 by an adviser, consultant or other person who is not an employee
9 of the commission or by an employee of the commission.

10 § 2212. City natural gas distribution operations.

11 * * *

12 (t) Proprietary information.--Proprietary information, trade
13 secrets and competitively sensitive information of a city
14 natural gas distribution operation shall not be public records
15 for purposes of [the act of June 21, 1957 (P.L.390, No.212),
16 referred to as the Right-to-Know Law] 2 Pa.C.S. Pt. IV (relating
17 to Right-to-Know), and shall not be subject to mandatory public
18 disclosure. Nothing in this section shall exempt a city natural
19 gas distribution operation from providing information to the
20 commission pursuant to its obligation under sections 501
21 (relating to general powers), 504 (relating to reports by public
22 utilities), 505 (relating to duty to furnish information to
23 commission; cooperation in valuing property) and 506 (relating
24 to inspection of facilities and records).

25 § 2604.2. Records.

26 The commission shall be authorized to inspect, audit and
27 investigate any books, records and facilities of the
28 transportation network company and any affiliated entities as
29 necessary to ensure compliance with this chapter. Documents or
30 records marked as confidential will be treated according to the

1 commission's practices and regulations regarding confidential
2 and trade secret information. Information disclosed to the
3 commission under this chapter shall be exempt from disclosure to
4 a third person, including through a request submitted under [the
5 act of February 14, 2008 (P.L.6, No.3), known as the Right-to-
6 Know Law] 2 Pa.C.S. Pt. IV (relating to Right-to-Know).

7 § 3209. Proprietary information of authority.

8 Proprietary information, trade secrets and competitively
9 sensitive information of an authority shall not be public
10 records under [the act of February 14, 2008 (P.L.6, No.3), known
11 as the Right-to-Know Law] 2 Pa.C.S. Pt. IV (relating to Right-
12 to-Know), and shall not be subject to mandatory public
13 disclosure. Nothing in this chapter shall be construed to exempt
14 an authority from providing information to the commission as
15 specified under sections 501 (relating to general powers), 504
16 (relating to reports by public utilities), 505 (relating to duty
17 to furnish information to commission; cooperation in valuing
18 property) and 506 (relating to inspection of facilities and
19 records) or any other provision of this title which requires
20 information to be provided to the commission.

21 Section 37. Section 2113(b) of Title 68 is amended to read:

22 § 2113. Public records and public access.

23 * * *

24 (b) Public access.--A land bank is subject to:

25 [(1) 65 Pa.C.S. Ch. 7 (relating to open meetings); and

26 (2) the act of February 14, 2008 (P.L.6, No.3), known as
27 the Right-to-Know Law.]

28 (3) 2 Pa.C.S. Pt. IV (relating to Right-to-Know); and

29 (4) 65 Pa.C.S. Ch. 7 (relating to open meetings).

30 Section 38. Sections 5902(e) (2), (3), (4), (5), (6) and (7)

1 (ii) and 5958(d) of Title 71 are amended to read:

2 § 5902. Administrative duties of the board.

3 * * *

4 (e) Records.--

5 * * *

6 (2) Any record, material or data received, prepared,
7 used or retained by the board or its employees, investment
8 professionals or agents relating to an investment shall not
9 constitute a public record subject to public access under
10 [the act of February 14, 2008 (P.L.6, No.3), known as the
11 Right-to-Know Law] 2 Pa.C.S. Pt. IV (relating to Right-to-
12 Know), if, in the reasonable judgment of the board, the
13 access would:

14 (i) in the case of an alternative investment or
15 alternative investment vehicle, involve the release of
16 sensitive investment or financial information relating to
17 the alternative investment or alternative investment
18 vehicle which the fund or trust was able to obtain only
19 upon agreeing to maintain its confidentiality;

20 (ii) cause substantial competitive harm to the
21 person from whom sensitive investment or financial
22 information relating to the investment was received; or

23 (iii) have a substantial detrimental impact on the
24 value of an investment to be acquired, held or disposed
25 of by the fund or trust or would cause a breach of the
26 standard of care or fiduciary duty set forth in this
27 part.

28 (3) The following apply:

29 (i) The sensitive investment or financial
30 information excluded from access under paragraph (2) (i),

1 to the extent not otherwise excluded from access, shall
2 constitute a public record subject to public access under
3 [the Right-to-Know Law] 2 Pa.C.S. Pt. IV once the board
4 is no longer required by its agreement to maintain
5 confidentiality.

6 (ii) The sensitive investment or financial
7 information excluded from access under paragraph (2) (ii),
8 to the extent not otherwise excluded from access, shall
9 constitute a public record subject to public access under
10 [the Right-to-Know Law] 2 Pa.C.S. Pt. IV once:

11 (A) the access no longer causes substantial
12 competitive harm to the person from whom the
13 information was received; or

14 (B) the entity in which the investment was made
15 is liquidated;
16 whichever is later.

17 (iii) The sensitive investment or financial
18 information excluded from access under paragraph (2)
19 (iii), to the extent not otherwise excluded from access,
20 shall constitute a public record subject to public access
21 under [the Right-to-Know Law] 2 Pa.C.S. Pt. IV once:

22 (A) the access no longer has a substantial
23 detrimental impact on the value of an investment of
24 the fund or trust and would not cause a breach of the
25 standard of care or fiduciary duty set forth in this
26 part; or

27 (B) the entity in which the investment was made
28 is liquidated;
29 whichever is later.

30 (4) Except for the provisions of paragraph (3), nothing

1 in this subsection shall be construed to designate any
2 record, material or data received, prepared, used or retained
3 by the board or its employees, investment professionals or
4 agents relating to an investment as a public record subject
5 to public access under [the Right-to-Know Law] 2 Pa.C.S. Pt.
6 IV.

7 (5) Any record, material or data received, prepared,
8 used or retained by the board or its employees, or agents
9 relating to the contributions, account value or benefits
10 payable to or on account of a participant shall not
11 constitute a public record subject to public access under
12 [the Right-to-Know Law] 2 Pa.C.S. Pt. IV if, in the
13 reasonable judgment of the board, the access would disclose
14 any of the following:

15 (i) The existence, date, amount and any other
16 information pertaining to the voluntary contributions,
17 including rollover contributions or trustee-to-trustee
18 transfers, of any participant.

19 (ii) The investment option selections of any
20 participant.

21 (iii) The balance of a participant's individual
22 investment account, including the amount distributed to
23 the participant, investment gains or losses or rates of
24 return.

25 (iv) The identity of a participant's designated
26 beneficiary, successor payee or alternate payee.

27 (v) The form of distribution of a participant's
28 account.

29 (6) Nothing in this subsection shall be construed to
30 designate any record, material or data received, prepared,

1 used or retained by the board or its employees, or agents
2 relating to the contributions, account value or benefits
3 payable to or on account of a participant as a public record
4 subject to public access under [the Right-to-Know Law] 2
5 Pa.C.S. Pt. IV.

6 (7) The following apply:

7 * * *

8 (ii) This subsection shall apply to a record,
9 material or data under this subsection, notwithstanding
10 any of the following:

11 (A) Whether the record, material or data was
12 created, generated or stored before the effective
13 date of this paragraph.

14 (B) Whether the record, material or data was
15 previously released or made public.

16 (C) Whether a request for the record, material
17 or data was made or is pending final response under
18 [the Right-to-Know Law] 2 Pa.C.S. Pt. IV.

19 * * *

20 § 5958. Public Pension Management and Asset Investment Review
21 Commission.

22 * * *

23 (d) Transparency and ethics.--The Public Pension Management
24 and Asset Investment Review Commission shall be subject to the
25 following laws:

26 (1) The act of July 19, 1957 (P.L.1017, No.451), known
27 as the State Adverse Interest Act.

28 (2) [The act of February 14, 2008 (P.L.6, No.3), known
29 as the Right-to-Know Law] 2 Pa.C.S. Pt. IV (relating to
30 Right-to-Know).

1 (3) 65 Pa.C.S. Ch. 7 (relating to open meetings).

2 (4) 65 Pa.C.S. Ch. 11 (relating to ethics standards and
3 financial disclosure).

4 * * *

5 Section 39. Sections 1715(c), 5301(e)(1), 6143(d), 8117(b)
6 (5) introductory paragraph and (d)(1)(ii), 8205(a) and 9103(i)
7 of Title 74 are amended to read:

8 § 1715. Meetings, quorum, officers and records.

9 * * *

10 (c) Public meetings and records.--

11 (1) The board shall be subject to [the act of June 21,
12 1957 (P.L.390, No.212), referred to as the Right-to-Know Law,
13 and the act of July 3, 1986 (P.L.388, No.84), known as the
14 Sunshine Act] 2 Pa.C.S. Pt. IV (relating to Right-to-Know)
15 and 65 Pa.C.S. Ch. 7 (relating to open meetings).

16 (2) Notwithstanding [the provisions of section 4 of the
17 Sunshine Act] 65 Pa.C.S. § 704 (relating to open meetings),
18 one or more persons may participate in a meeting of the board
19 or of any committee thereof by means of conference telephone
20 or similar communications equipment by means of which all
21 persons participating in the meeting can hear each other,
22 including, in the case of a meeting open to the public, all
23 other persons present at the place of meeting designated by
24 public notice. Participation by one or more members of the
25 board in a meeting pursuant to this subsection shall
26 constitute presence in person at the meeting.

27 § 5301. Authority of department.

28 * * *

29 (e) Limitation on powers.--

30 (1) No license for a new airport, which is proposed to

1 be located within a five-mile radius of an existing airport,
2 or for the conversion of a military airport to joint use
3 shall be issued by the department unless it has held a public
4 hearing on the license application. The hearing shall be held
5 in the area where the proposed airport is to be located and
6 at least 60 days' notice of the date, time and place of the
7 hearing shall be given to the public in at least one
8 newspaper of general circulation. No license shall be issued
9 unless the department is satisfied that fair consideration
10 has been given to the interest of the communities in or near
11 which the proposed airport is to be located and in no event
12 shall the department license any airport within two miles of
13 the boundary of an existing airport. Any person aggrieved by
14 a decision of the department to grant or deny a license for a
15 new airport or for a conversion of a military airport to
16 joint use may take an appeal as provided in [Title 2
17 (relating to administrative law and procedure)] 2 Pa.C.S. Pt.
18 II (relating to practice). Nothing in this subsection shall
19 be construed as applying to the licensing of heliports,
20 existing airports, upgrading of existing airports or airports
21 under construction unless for conversion of military airports
22 to joint use.

23 * * *

24 § 6143. Enforcement of loan agreement.

25 * * *

26 (d) Release and appeal.--The department shall release the
27 lien upon a showing by the applicant that he has not violated
28 the loan agreement. The applicant may appeal a determination by
29 the department that he has violated the agreement to the Board
30 of Finance and Revenue. The appeal shall be made in accordance

1 with [Title 2 (relating to administrative law and procedure)] 2
2 Pa.C.S. Pt. II (relating to practice), including appeal to the
3 courts.

4 § 8117. Electronic toll collection.

5 * * *

6 (b) Imposition of liability.--Liability under this section
7 shall be imposed upon an owner for a violation of this section
8 or the regulations of the commission occurring within the
9 territorial limits of this Commonwealth. If a violation is
10 committed as evidenced by a violation enforcement system, the
11 following shall apply:

12 * * *

13 (5) Notwithstanding any other provision of law,
14 videotapes, photographs, microphotographs, other recorded
15 images, written records, reports or facsimiles prepared
16 pursuant to this section shall be for the exclusive use of
17 the commission, its authorized agents, its employees and law
18 enforcement officials for the purpose of discharging duties
19 under this section and the regulations of the commission. The
20 information shall not be deemed a public record under[the
21 act of June 21, 1957 (P.L.390, No.212), referred to as the
22 Right-to-Know Law] 2 Pa.C.S. Pt. IV (relating to Right-to-
23 Know). The information shall not be discoverable by court
24 order or otherwise; nor shall it be offered in evidence in
25 any action or proceeding which is not directly related to a
26 violation of this section, the regulations of the commission
27 or indemnification for liability imposed pursuant to this
28 section. The restrictions set forth in this paragraph:

29 * * *

30 (d) Privacy of electronic toll collection account holder

1 information.--

2 (1) Except as set forth under paragraph (2),
3 notwithstanding any other provision of law, all of the
4 following apply to information kept by the commission, its
5 authorized agents or its employees which is related to the
6 account of an electronic toll collection system account
7 holder:

8 * * *

9 (ii) The information shall not be deemed a public
10 record under [the Right-to-Know Law] 2 Pa.C.S. Pt. IV,
11 nor shall it be discoverable by court order or otherwise
12 or be offered in evidence in any action or proceeding
13 which is not directly related to the discharge of duties
14 under this section, the regulations of the commission or
15 a violation of an account holder agreement.

16 * * *

17 § 8205. Applicability of other statutes.

18 (a) General rule.--Notwithstanding any other provision of
19 law, the following acts shall apply to the commission under this
20 chapter:

21 [(1) The act of June 21, 1957 (P.L.390, No.212),
22 referred to as the Right-to-Know Law.]

23 (2) The act of July 19, 1957 (P.L.1017, No.451), known
24 as the State Adverse Interest Act.

25 (2.1) The provisions of 2 Pa.C.S. Pt. IV (relating to
26 Right-to-Know).

27 (3) The provisions of 65 Pa.C.S. Chs. 7 (relating to
28 open meetings) and 11 (relating to ethics standards and
29 financial disclosure).

30 * * *

1 § 9103. Public-Private Transportation Partnership Board.

2 * * *

3 (i) Applicability.--The following acts shall apply to the
4 board:

5 (1) The act of February 14, 2008 (P.L.6, No.3), known as
6 the Right-to-Know Law.

7 (2) The State Adverse Interest Act.

8 (2.1) The provisions of 2 Pa.C.S. Pt. IV (relating to
9 Right-to-Know).

10 (3) The provisions of 65 Pa.C.S. Chs. 7 (relating to
11 open meetings) and 11 (relating to ethics standards and
12 financial disclosure).

13 Section 40. Sections 1553(h), 1554(j) (2), 1556(1) (1), 2008,
14 3116(e) (3) and (i) (3) introductory paragraph, 3117(f) (3) and (j)
15 (3) introductory paragraph, 3345.1(e) (2) (ii), 3369(f) (2) and (h)
16 (4) introductory paragraph and 3370(f) (3) and (j) (3)
17 introductory paragraph of Title 75 are amended to read:

18 § 1553. Occupational limited license.

19 * * *

20 (h) Appeal from denial or recall of occupational limited
21 license.--Any driver who is denied an occupational limited
22 license or whose occupational limited license is recalled may
23 file with the department a petition for a hearing. The hearing
24 shall be conducted in accordance with [Title 2 (relating to
25 administrative law and procedure)] 2 Pa.C.S. Pt. II (relating to
26 practice). The department may charge a reasonable fee based on
27 the cost to the department for conducting such a hearing. The
28 appeal shall not operated as an automatic supersedeas. If an
29 administrative hearing officer orders a supersedeas in any
30 appeal, the petitioner shall earn no credit toward serving the

1 suspension for which the petitioner was granted an occupational
2 limited license. An appeal from a decision of an administrative
3 hearing officer may be taken in the manner provided in 42
4 Pa.C.S. § 763(a) (relating to direct appeals from government
5 agencies). Appeals under this subchapter are exempt from the
6 provisions of section 1550(b) (relating to judicial review) and
7 from the provisions of 42 Pa.C.S. § 933 (relating to appeals
8 from government agencies).

9 § 1554. Probationary license.

10 * * *

11 (j) Appeal from cancellation, denial or recall of
12 probationary license.--

13 * * *

14 (2) The hearing shall be conducted in accordance with 2
15 Pa.C.S. [(relating to administrative law and procedure)] Pt.
16 II (relating to practice).

17 * * *

18 § 1556. Ignition interlock limited license.

19 * * *

20 (l) Appeal from denial or recall of ignition interlock
21 limited license.--

22 (1) Any individual who is denied an ignition interlock
23 limited license or whose ignition interlock limited license
24 is extended or recalled under subsection (i) may file with
25 the department a petition for a hearing. The hearing shall be
26 conducted in accordance with 2 Pa.C.S. [(relating to
27 administrative law and procedure)] Pt. II (relating to
28 practice).

29 * * *

30 § 2008. Hearing procedures.

1 All hearings shall be conducted in accordance with [Title 2
2 (relating to administrative law and procedure)] 2 Pa.C.S. Pt. II
3 (relating to practice).

4 § 3116. Automated red light enforcement systems in first class
5 cities.

6 * * *

7 (e) Limitations.--

8 * * *

9 (3) Notwithstanding any other provision of law,
10 information prepared under this section and information
11 relating to violations under this section which is kept by
12 the city of the first class, its authorized agents or its
13 employees, including recorded images, written records,
14 reports or facsimiles, names, addresses and the number of
15 violations under this section, shall be for the exclusive use
16 of the city, its authorized agents, its employees and law
17 enforcement officials for the purpose of discharging their
18 duties under this section and under any ordinances and
19 resolutions of the city. The information shall not be deemed
20 a public record under [the act of February 14, 2008 (P.L.6,
21 No.3), known as the Right-to-Know Law] 2 Pa.C.S. Pt. IV
22 (relating to Right-to-Know). The information shall not be
23 discoverable by court order or otherwise, nor shall it be
24 offered in evidence in any action or proceeding which is not
25 directly related to a violation of this section or any
26 ordinance or resolution of the city. The restrictions set
27 forth in this paragraph shall not be deemed to preclude a
28 court of competent jurisdiction from issuing an order
29 directing that the information be provided to law enforcement
30 officials if the information is reasonably described and is

1 requested solely in connection with a criminal law
2 enforcement action.

3 * * *

4 (i) System administrator.--

5 * * *

6 (3) The system administrator shall submit an annual
7 report to the chairman and the minority chairman of the
8 Transportation Committee of the Senate and the chairman and
9 minority chairman of the Transportation Committee of the
10 House of Representatives. The report shall be considered a
11 public record under [the Right-to-Know Law] 2 Pa.C.S. Pt. IV
12 and include for the prior year:

13 * * *

14 § 3117. Automated red light enforcement systems in certain
15 municipalities.

16 * * *

17 (f) Limitations.--

18 * * *

19 (3) Notwithstanding any other provision of law,
20 information prepared under this section and information
21 relating to violations under this section which is kept by
22 the municipality, its authorized agents or employees,
23 including recorded images, written records, reports or
24 facsimiles, names and addresses, shall be for the exclusive
25 use of the municipality, its authorized agents, its employees
26 and law enforcement officials for the purpose of discharging
27 their duties under this section and under any ordinances and
28 resolutions of the municipality. The information shall not be
29 deemed a public record under [the act of February 14, 2008
30 (P.L.6, No.3), known as the Right-to-Know Law] 2 Pa.C.S. Pt.

1 IV (relating to Right-to-Know). The information shall not be
2 discoverable by court order or otherwise, nor shall it be
3 offered in evidence in any action or proceeding which is not
4 directly related to a violation of this section or any
5 ordinance or resolution of the municipality. The restrictions
6 set forth under this paragraph shall not be deemed to
7 preclude a court of competent jurisdiction from issuing an
8 order directing that the information be provided to law
9 enforcement officials if the information is reasonably
10 described and is requested solely in connection with a
11 criminal law enforcement action.

12 * * *

13 (j) System administrator.--

14 * * *

15 (3) The system administrator shall submit an annual
16 report to the chairman and minority chairman of the
17 Transportation Committee of the Senate and the chairman and
18 minority chairman of the Transportation Committee of the
19 House of Representatives. The report shall be considered a
20 public record under [the Right-to-Know Law] 2 Pa.C.S. Pt. IV
21 and include for the prior year:

22 * * *

23 § 3345.1. Enforcement of failure to stop for school bus with
24 flashing red lights.

25 * * *

26 (e) Limitations.--

27 * * *

28 (2) * * *

29 (ii) The information shall not be deemed a public
30 record under [the act of February 14, 2008 (P.L.6, No.3)],

1 known as the Right-to-Know Law] 2 Pa.C.S. Pt. IV

2 (relating to Right-to-Know).

3 * * *

4 § 3369. Automated speed enforcement systems in active work
5 zones.

6 * * *

7 (f) Limitations.--

8 * * *

9 (2) Notwithstanding any other provision of law,
10 information gathered and maintained under this section that
11 is kept by the Commonwealth, its authorized agents or its
12 employees, including recorded images, written records,
13 reports or facsimiles, names and addresses, shall be for the
14 exclusive purpose of discharging its duties under this
15 section. The information shall not be deemed a public record
16 under [the act of February 14, 2008 (P.L.6, No.3), known as
17 the Right-to-Know Law] 2 Pa.C.S. Pt. IV (relating to Right-
18 to-Know). The information shall not be discoverable by court
19 order or otherwise or be admissible as evidence in a
20 proceeding except to determine liability under this section.
21 The restrictions provided in this paragraph shall not
22 preclude a court of competent jurisdiction from issuing an
23 order directing that the information be provided to law
24 enforcement officials, if the information is requested solely
25 in connection with a criminal law enforcement action and is
26 reasonably described.

27 * * *

28 (h) Authority and duties of department and Pennsylvania
29 Turnpike Commission.--

30 * * *

1 (4) Not later than April 1 annually, the department, the
2 Pennsylvania Turnpike Commission and the Pennsylvania State
3 Police shall submit a report on the program for the preceding
4 calendar year to the chairperson and minority chairperson of
5 the Transportation Committee of the Senate and the
6 chairperson and minority chairperson of the Transportation
7 Committee of the House of Representatives. The report shall
8 be a public record under [the Right-to-Know Law] 2 Pa.C.S.
9 Pt. IV and include:

10 * * *

11 § 3370. Pilot program for automated speed enforcement system on
12 designated highway.

13 * * *

14 (f) Limitations.--The following shall apply:

15 * * *

16 (3) Notwithstanding any other provision of law,
17 information prepared under this section and information
18 relating to violations under this section which is kept by
19 the city of the first class, its authorized agents or its
20 employees, including recorded images, written records,
21 reports or facsimiles, names, addresses and the number of
22 violations under this section, shall be for the exclusive use
23 of the city, its authorized agents, its employees and law
24 enforcement officials for the purpose of discharging their
25 duties under this section and under any ordinances and
26 resolutions of the city. The information shall not be deemed
27 a public record under [the act of February 14, 2008 (P.L.6,
28 No.3), known as the Right-to-Know Law] 2 Pa.C.S. Pt. IV
29 (relating to Right-to-Know). The information shall not be
30 discoverable by court order or otherwise, nor shall it be

1 offered in evidence in any action or proceeding which is not
2 directly related to a violation of this section or any
3 ordinance or resolution of the city. The restrictions set
4 forth in this paragraph shall not be deemed to preclude a
5 court of competent jurisdiction from issuing an order
6 directing that the information be provided to law enforcement
7 officials if the information is reasonably described and is
8 requested solely in connection with a criminal law
9 enforcement action.

10 * * *

11 (j) System administrator.--The following shall apply:

12 * * *

13 (3) Not later than April 1 annually, the system
14 administrator shall submit an annual report to the
15 chairperson and the minority chairperson of the
16 Transportation Committee of the Senate and the chairperson
17 and minority chairperson of the Transportation Committee of
18 the House of Representatives. The report shall be considered
19 a public record under [the Right-to-Know Law] 2 Pa.C.S. Pt.
20 IV and include for the prior year:

21 * * *

22 Section 41. Repeals are as follows:

23 (1) The General Assembly declares that the repeal under
24 paragraph (2) is necessary to effectuate the addition of 2
25 Pa.C.S. Pt. IV.

26 (2) The act of February 14, 2008 (P.L.6, No.3), known as
27 the Right-to-Know Law, is repealed.

28 (3) The General Assembly declares that the repeal under
29 paragraph (4) is necessary to effectuate the amendment of 45
30 Pa.C.S. §§ 722 and 901.

1 (4) Section 4 of the act of July 9, 1976 (P.L.877,
2 No.160), entitled "An act amending Titles 45 (Legal Notices)
3 and 1 (General Provisions) of the Pennsylvania Consolidated
4 Statutes, adding revised, codified and compiled provisions
5 relating to legal notice and publication of documents and
6 revising and reenacting separately certain related
7 provisions," is repealed.

8 Section 42. The addition of 2 Pa.C.S. Pt. IV is a
9 continuation of the act of February 14, 2008 (P.L.6, No.3),
10 known as the Right-to-Know Law. The following apply:

11 (1) Except as otherwise provided in 2 Pa.C.S. Pt. IV,
12 all activities initiated under the Right-to-Know Law shall
13 continue and remain in full force and effect and may be
14 completed under 2 Pa.C.S. Pt. IV. Orders, regulations, rules
15 and decisions which were made under the Right-to-Know Law and
16 which are in effect on the effective date of section 5(2) of
17 this act shall remain in full force and effect until revoked,
18 vacated or modified under 2 Pa.C.S. Pt. IV. Contracts,
19 obligations and collective bargaining agreements entered into
20 under the Right-to-Know Law are not affected nor impaired by
21 the repeal of the Right-to-Know Law.

22 (2) Any difference in language between 2 Pa.C.S. Pt. IV
23 and the Right-to-Know Law is intended only to conform to the
24 style of the Pennsylvania Consolidated Statutes and is not
25 intended to change or affect the legislative intent, judicial
26 construction or administration and implementation of the
27 Right-to-Know Law.

28 (3) The addition of 2 Pa.C.S. Pt. IV shall not affect
29 the term or eligibility of the executive director of the
30 Office of Open Records who is in office as of the effective

1 date of this section.

2 Section 43. This act shall take effect in 60 days.