

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2534 Session of 2022

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

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 21, 2022

AN ACT

1 Amending the act of February 14, 2008 (P.L.6, No.3), entitled
2 "An act providing for access to public information, for a
3 designated open-records officer in each Commonwealth agency,
4 local agency, judicial agency and legislative agency, for
5 procedure, for appeal of agency determination, for judicial
6 review and for the Office of Open Records; imposing
7 penalties; providing for reporting by State-related
8 institutions; requiring the posting of certain State contract
9 information on the Internet; and making related repeals," in
10 procedure, further providing for exceptions for public
11 records.

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

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

17 SECTION 1. SECTION 708(B) (12) OF THE ACT OF FEBRUARY 14, <--
18 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW, IS AMENDED
19 TO READ:

20 Section 708. Exceptions for public records.

21 \* \* \*

22 (b) Exceptions.--Except as provided in subsections (c) and

1 (d), the following are exempt from access by a requester under  
2 this act:

3 \* \* \*

4 ~~(10) (i) A record that reflects:~~ <--

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

15 ~~(B) The strategy to be used to develop or~~  
16 ~~achieve the successful adoption of a budget,~~  
17 ~~legislative proposal or regulation.~~

18 ~~(C) The discussions, considerations or~~  
19 ~~consultations during an executive session held in~~  
20 ~~accordance with 65 Pa.C.S. § 708 (relating to~~  
21 ~~executive sessions).~~

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

29 ~~(iii) This paragraph shall not apply to a written or~~  
30 ~~Internet application or other document that has been~~

1           ~~submitted to request Commonwealth funds.~~

2           ~~(iv) This paragraph shall not apply to the results~~  
3           ~~of public opinion surveys, polls, focus groups, marketing~~  
4           ~~research or similar effort designed to measure public~~  
5           ~~opinion.~~

6           \* \* \*

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

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

13          (ii) to accommodate an individual's disability,  
14          including transcriptions, braille translations or large  
15          print materials.

16          \* \* \*

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