
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 302 Session of
2023

INTRODUCED BY HARKINS, HILL-EVANS, McNEILL, SANCHEZ, GUENST,
MADDEN, NEILSON, PASHINSKI, MALAGARI, FREEMAN AND N. NELSON,
MARCH 10, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 10, 2023

AN ACT

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

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

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

18 Section 708. Exceptions for public records.

19 * * *

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

1 * * *

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

4 * * *

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

8 * * *

9 (h) Prepayment.--Prior to granting a request for access in
10 accordance with this act, an agency may require a requester to
11 prepay an estimate of the fees authorized under this section if
12 the fees required to fulfill the request are expected to exceed
13 \$100 in accordance with subsection (i).

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

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

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

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