

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 860 Session of 2019

INTRODUCED BY B. MILLER, MURT, BERNSTINE, FREEMAN, RYAN, ZIMMERMAN, MILLARD, WHEELAND, SCHWEYER, PICKETT, SAYLOR, KORTZ, RADER, ZABEL, MOUL, SCHLEGEL CULVER AND DRISCOLL, MARCH 18, 2019

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 27, 2019

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 preliminary provisions, further providing for definitions;
11 and, in procedure, further providing for exceptions for
12 public records.

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

15 Section 1. The definition of "personal financial
16 information" in section 102 of the act of February 14, 2008
17 (P.L.6, No.3), known as the Right-to-Know Law, is amended to
18 read:

19 Section 102. Definitions.

20 The following words and phrases when used in this act shall
21 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 \* \* \*

3 "Personal financial information." An individual's personal  
4 credit, charge or debit card information; bank or other  
5 financial institution account information; bank, credit or  
6 financial statements; account or PIN numbers; account passwords;  
7 IRS form W-2 or its equivalent; benefit election information  
8 other than an election to become a member of the State  
9 Employees' Retirement System, the Public School Employees'  
10 Retirement System, the Pennsylvania Municipal Retirement System  
11 or any other retirement plan for employees of the Commonwealth  
12 or any of its political subdivisions; contributions to  
13 retirement plans or other investment options; contributions  
14 toward the cost of health care benefits or other benefits;  
15 contributions to charitable organizations and other information  
16 relating to an individual's personal finances.

17 \* \* \*

18 Section 2. Section 708(b)(6) and (c) of the act are amended  
19 and subsection (b) is amended by adding a paragraph to read:  
20 Section 708. Exceptions for public records.

21 \* \* \*

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

25 \* \* \*

26 (6) (i) The following personal identification  
27 information:

28 (A) A record containing all or part of a  
29 person's Social Security number, driver's license  
30 number, personal financial information, home,

1 cellular or personal telephone numbers, personal e-  
2 mail addresses, employee number or other confidential  
3 personal identification number.

4 (B) A spouse's name, marital status or  
5 beneficiary or dependent information, including the  
6 number, names and ages of an employee's dependents.

7 (C) The home address of a law enforcement  
8 officer or judge.

9 (ii) Nothing in this paragraph shall preclude the  
10 release of the name, position, salary, actual  
11 compensation or other payments or expenses, employment  
12 contract, employment-related contract or agreement and  
13 length of service of a public official or an agency  
14 employee.

15 (iii) An agency may redact the name or other  
16 identifying information relating to an individual  
17 performing an undercover or covert law enforcement  
18 activity from a record.

19 (iv) Nothing in this paragraph shall prevent the  
20 disclosure of employer costs or aggregated data of  
21 employee costs related to retirement benefits, health  
22 care benefits or other benefits, the disclosure of <--  
23 options made available to employees regarding retirement,  
24 health care benefits or other benefits or the disclosure  
25 of options made available to employees regarding  
26 retirement, health care and other benefit plans. OR THE <--  
27 DISCLOSURE OF OPTIONS MADE AVAILABLE TO EMPLOYEES  
28 REGARDING RETIREMENT BENEFITS, HEALTH CARE BENEFITS OR  
29 OTHER BENEFITS.

30 \* \* \*

1           (31) An agency's financial institution account number,  
2           routing number, credit card number or PIN number. Such  
3           numbers ~~may~~ SHALL be reasonably redacted to the extent           <--  
4           necessary to protect the security of the agency's account  
5           information, account numbers, routing numbers, credit card  
6           numbers or PIN numbers.

7           (c) Financial records.--The exceptions set forth in  
8 subsection (b) shall not apply to financial records, except that  
9 an agency may redact that portion of a financial record  
10 protected under subsection (b) (1), (2), (3), (4), (5), (6), (16)  
11 [or], (17) or (31). An agency shall not disclose the identity of  
12 an individual performing an undercover or covert law enforcement  
13 activity.

14           \* \* \*

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