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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 974 Session of  
2023

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INTRODUCED BY HANBIDGE, MADDEN, HILL-EVANS, HOHENSTEIN, GUENST,  
SANCHEZ, BURGOS, RABB, FLEMING, CERRATO AND N. NELSON,  
APRIL 24, 2023

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 24, 2023

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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 708. Exceptions for public records.

18 \* \* \*

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

22 \* \* \*

1 (10) (i) A record that reflects:

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

12 (B) The strategy to be used to develop or  
13 achieve the successful adoption of a budget,  
14 legislative proposal or regulation.

15 (C) The discussions, considerations or  
16 consultations during an executive session held in  
17 accordance with 65 Pa.C.S. § 708 (relating to  
18 executive sessions).

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

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

29 (iv) This paragraph shall not apply to the results  
30 of public opinion surveys, polls, focus groups, marketing

1 research or similar effort designed to measure public  
2 opinion.

3 \* \* \*

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

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

10 (ii) to accommodate an individual's disability,  
11 including transcriptions, braille translations or large  
12 print materials.

13 \* \* \*

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