

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 974 Session of 2023

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

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MARCH 18, 2024

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) (12) of the act of February 14,~~ <--
15 ~~2008 (P.L.6, No.3), known as the Right to Know Law, is amended~~
16 ~~to read:~~

17 SECTION 1. SECTION 708(B) (12) AND (C) OF THE ACT OF FEBRUARY <--
18 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW, ARE
19 AMENDED AND SUBSECTION (B) IS AMENDED BY ADDING A PARAGRAPH TO
20 READ:

21 Section 708. Exceptions for public records.

1 * * *

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

5 * * *

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

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

12 (ii) to assist an individual with a disability,
13 including transcriptions, braille translations or large
14 print materials.

15 * * *

16 (31) A RECORD OR INFORMATION THAT WOULD DISCLOSE THE <--
17 IDENTITY OF A CLAIMANT OR VICTIM IN AN EXECUTED AGREEMENT
18 THAT SETTLES A SEXUAL HARASSMENT OR SEXUAL ASSAULT CLAIM.

19 (C) FINANCIAL RECORDS.--THE EXCEPTIONS SET FORTH IN
20 SUBSECTION (B) SHALL NOT APPLY TO FINANCIAL RECORDS, EXCEPT THAT
21 AN AGENCY MAY REDACT THAT PORTION OF A FINANCIAL RECORD
22 PROTECTED UNDER SUBSECTION (B) (1), (2), (3), (4), (5), (6), (16)
23 [OR], (17) OR (31). AN AGENCY SHALL NOT DISCLOSE THE IDENTITY OF
24 AN INDIVIDUAL PERFORMING AN UNDERCOVER OR COVERT LAW ENFORCEMENT
25 ACTIVITY.

26 * * *

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