

Open Records Law

In 2008 the Pennsylvania Legislature passed a new open records law, dubbed the "Right to Know Law," to take effect January 1, 2009.

The new law requires that a record in the possession of a state or local agency be presumed to be a public record unless otherwise specified by the law. This shifts the burden of proof from the public to the government, which now must give a compelling reason why a record needs to remain secret – for example, because it would violate the privacy of a government employee by disclosing personal information or because it would compromise the security of a government installation by making public the specifics of its security measures.

The new law also established the Office of Open Records to enforce this law with local agencies and serve as a resource to the public in obtaining public records.

The Sunshine Act

The current Pennsylvania Open Meetings Act, also called the "Sunshine Act," was passed in 1987. This law states that the public has a right to be present at all meetings of state agencies at which "agency business" will be discussed or acted upon, that public notice of such meetings must be provided, and that minutes must be taken. Members of the public must be given "reasonable opportunity...to comment on matters of concern, official action or deliberation which are or may be before the board or council prior to taking official action."

Exceptions to this law are executive sessions in which an agency may privately discuss such things as personnel decisions, labor union negotiations, negotiations prior to the purchase of property, and consultations with legal counsel on current or expected litigation.

CONTACTS

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A Guide to Open Records Laws in Pennsylvania



Frequently Asked Questions

What agencies can I request information from?

The Right to Know Law applies to all state agencies, the PA General Assembly, and state-related institutions, such as Penn State University. It also applies to the financial records of PA courts and to all local agencies, including but not limited to town councils, water and sewer authorities, school boards, and zoning boards.

What records are public?

Examples of public records include:

- Name, title, and salary of public officials and employees
- Finalized agency meeting minutes
- Communications between lobbyists and legislators
- 911 time response logs
- Internal emails

Information that is not public includes:

- Social Security, driver's license, or employee numbers
- Home, cellular or personal phone numbers
- Personal financial information
- Spouse's name, marital status, beneficiary or dependent information
- Home addresses of law enforcement and judges
- Autopsy report information other than name, cause and manner of death
- Records that identify social service recipients, including welfare recipients
- A minor's name, home address, or date of birth

How can I request information from a government agency?

You can make a request by mail or in person. Some agencies will also allow you to make a request by fax or email. Agencies are required to have appointed an open records officer to whom the request should be addressed. You can find contact information for many of these officers on the ACLU of PA's website under the Right to Know Law section. If you cannot locate the officer's information, call the agency's main number and ask who to direct open records requests to.

Is there a form I can use to use to obtain records?

Yes, a standard request form is available on the Office of Open Records' website. Visit <http://openrecords.state.pa.us> and click the "Forms" link on the left side of the page.

A local government agency may use its own form, but they also must accept the Office of Open Records' standard form.

Can an agency charge me for records requests?

Agencies may charge reasonable fees for copying costs. What is "reasonable" varies based on geographical location, but acceptable fees will generally range from \$.10 to \$.25 per page for black-and-white copies. Specialized copying, such as color copies or blueprints, may be charged at a higher rate. Agencies may also charge postage to mail the records to a requestor.

If fees are expected to exceed \$100.00, the agency may require prepayment.

What do I do if I am denied access to records?

Agencies have 5 days to respond to your request, although under some circumstances they may request a 30 day extension.

If your request to a state or local agency is denied or you do not receive a response within 5 days, you may file an appeal with the Office of Open Records. If your request to the courts, legislature, State Treasurer, Auditor General, Attorney General, or county District Attorney is denied, you may appeal to their individual appeals offices.

The appeal must be filed within 15 business days of the mailing date of the agency's response or within 15 business days of the agency's missed deadline to respond to your request. Your appeal should include:

- The grounds upon which you believe the record you are seeking is a public record
- Any grounds stated by the agency for delaying or denying the request

A hearing officer will be appointed to review the denial and respond within 30 days of the appeal.

The hearing officer's decision can be further appealed to the courts. The appeal must be made within 30 days of the hearing officer's decision. For a state agency, court, or the legislature, the appeal can be made to the Commonwealth Court of PA. In the case of a local agency, the appeal can be made in the county Court of Common Pleas.