



MEMORANDUM

TO: The Pennsylvania House of Representatives

FROM: Elizabeth Randol, Legislative Director, ACLU of Pennsylvania

DATE: April 11, 2022

RE: OPPOSITION TO HB 2471 P.N. 2991 (BURNS)

Bill summary: [HB 2471](#) (PN 2991) would create a carve-out to require an expedited process for open records requests and appeals made by elected officials. HB 2471 would require public agencies to respond to a Right-to-Know Law (RTKL) request by a public official within five days of the request. If the agency denies the records request, the public official could appeal to the state Office of Open Records, which must rule on the appeal within five days. In effect, this bill would shorten the timeline for records requests and appeals—only by/for elected officials—from 65 days to as little as 10 days.

On behalf of over 100,000 members and supporters of the ACLU of Pennsylvania, I respectfully urge you to oppose House Bill 2471.

HB 2471 would grant elected officials unjustifiable special consideration.

There is no justifiable public interest reason to give elected officials any special preference in receiving expedited right-to-know (RTK) responses for a request and/or appeal. Legislators have better tools to access public information and as such, are already working at an advantage compared to other Pennsylvanians.

Furthermore, there are no provisions in HB 2471 to prevent a legislator from submitting a RTK request on behalf of someone else (a constituent or other requester) in order to take advantage of the expedited process to receive a response to a request and/or appeal.

HB 2471 proposes an unrealistic and irresponsible expedited timeline to respond to requests made by elected officials.

HB 2471 would require that appeals officers at the Office of Open Records (OOR) make decisions within five days of an appeal being filed—5 calendar days, not business days. This is an unworkable and reckless time frame, as the agency to whom the request has been made has a right to respond to the appeal. In addition, any other parties whose privacy or data interests may also be at stake are consulted. As a result, HB 2471 not only expects OOR to weigh all the legal arguments in 5 days, but also expects every agency / party implicated in an appeal to also conform to the expedited timeline. Assuming this timeline is even possible, HB 2471 would all but guarantee sloppy, incomplete, and ill-considered appeals decisions.

HB 2471 is a solution without a problem.

It is unclear what problem this bill is attempting to solve. In his [co-sponsorship memo](#), the bill sponsor recounts a long delay in getting a response after appealing a denial from the Liquor Control Board of his RTK request. But the appeal went all the way to the Pennsylvania Supreme Court, meaning that the "delay" was at least partially explained by the time it took for the appeal to work its way through the courts, not the Office of Open Records.

For these reasons, we urge you to oppose House Bill 2471.