THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 425 Session of 2015

INTRODUCED BY SIMMONS, PICKETT, JAMES, READSHAW, BAKER, PASHINSKI, FREEMAN, DIAMOND, GODSHALL, COHEN, GRELL, BLOOM, ZIMMERMAN, A. HARRIS, EVANKOVICH, KORTZ, MENTZER, GILLEN, GINGRICH, HARPER, MILLARD, TOOHIL, SCHREIBER, HELM, STURLA, BARRAR AND EVERETT, FEBRUARY 9, 2015

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 9, 2015

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; in
11   procedure, further providing for written requests; and, in
12   judicial review, further providing for fee limitations.
13   The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:
15   Section 1. Section 102 of the act of February 14, 2008
16 (P.L.6, No.3), known as the Right-to-Know Law, is amended by
17 adding a definition to read:
18 Section 102. Definitions.
19   The following words and phrases when used in this act shall
20 have the meanings given to them in this section unless the
21 context clearly indicates otherwise:

1   * * *

2   "Commercial purpose." The use of a record:

3   (1) for the purpose of selling or reselling any portion

4   of the record;

5   (2) to obtain names and addresses from the record for

6   the purpose of solicitation; or

7   (3) for any other purpose through which the requester

8   can reasonably expect to make a profit.

9   * * *

10   Section 2. Section 703 of the act is amended to read:

11   Section 703. Written requests.

12   (a) General rule.--A written request for access to records

13   may be submitted in person, by mail, by e-mail, by facsimile or,

14   to the extent provided by agency rules, by any other electronic

15   means. A written request must be addressed to the open-records

16   officer designated pursuant to section 502. Employees of an

17   agency shall be directed to forward requests for records to the

18   open-records officer. A written request should identify or

19   describe the records sought with sufficient specificity to

20   enable the agency to ascertain which records are being requested

21   and shall include the name and address to which the agency

22   should address its response. [A]

23   (b) Reason for request.--Except as provided in subsection

24   (c), a written request need not include any explanation of the

25   requester's reason for requesting or intended use of the records

26   unless otherwise required by law.

27   (c) Commercial purpose.--A written request for the

28   duplication of a record shall include a statement indicating

29   whether or not the requester intends to use the record for a

30   commercial purpose.

1   Section 3. Section 1307 of the act is amended by adding a

2 subsection to read:

3 Section 1307. Fee limitations.

4   * * *

5   (e.1) Records to be used for a commercial purpose.--

6   (1) In responding to a request for records that will be

7 used for a commercial purpose, an agency may charge a

8 requester additional standard fees for the search, review and

9 duplication of the records. The fees for records to be used

10 for a commercial purpose must be reasonable, must be approved

11 by the Office of Open Records and may not be established with

12 the intent or effect of excluding persons from access to

13 records or duplicates thereof or of creating profit for the

14 agency.

15   (2) Paragraph (1) shall not apply to:

16   (i) a request made for records that are subject to

17   the fees under subsection (b)(4);

18   (ii) a request by an individual employed by or

19   connected with a newspaper or magazine of general

20   circulation, weekly publication, press association or

21   radio or television station, for the purpose of obtaining

22   information for publication or broadcast; or

23   (iii) a request by a nonprofit organization for the

24   purpose of conducting educational research.

25   * * *

26 Section 4. This act shall take effect in 60 days.