



*House State Government Committee
The Honorable Daryl D. Metcalfe, Chair
March 22, 2016*

**Testimony of Erik Arneson
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Thank you, Chairman Metcalfe, Chairman Cohen, and members of the House State Government Committee. Good morning.

Senate Bill 411 would make numerous improvements to the Right-to-Know Law. I provided written testimony that goes into greater detail, so in the interest of time I'll provide a quick overview of the most significant provisions.

The bill will streamline and improve the appeal process at the Office of Open Records, quite a boring topic to discuss but essential to give us tools necessary to better manage our caseload. For example, holding a hearing or conducting an *in camera* review of records requires significant work on the part of the OOR Appeals Officer. Open government is good government, and these changes will make the law work better for citizens.

The bill makes reams of financial and statistical data instantly available from the four state-related universities – Temple, Pitt, Penn State, and Lincoln. The public will be able to freely search, sort, and download information from the online databases.

Importantly, the bill will also apply the Right-to-Know Law to campus police departments at both state-related and state-owned universities in the same manner it currently applies to municipal police departments.

This bill allows agencies to charge for the processing of commercial requests based on the hourly wage of the lowest-paid employee capable of providing the response.

The bill limits inmate requests to 11 categories of records, and only if there are no other policies or procedures in place for the inmate to obtain the requested information.

The bill currently has two provisions affecting the release of agency employee home addresses. While some would argue that neither provision is necessary, it is clear that both provisions are not necessary.

The first would require each commonwealth and local agency to develop a policy allowing employees to request that the agency withhold their home address if they believe the personal security exception – or some other exception – applies. The agency would be required to review all such submissions and inform the employee of its decision.

The second would simply allow the home address of every employee of a commonwealth agency, judicial agency, legislative agency, or local agency to be withheld.

As I said, it's not necessary to include both provisions. I believe the first approach appropriately addresses concerns expressed in various court rulings since the Right-to-Know Law was enacted and strikes a good balance. However, if the General Assembly decides that something more like the second approach is better policy, I would respectfully request that its application be limited to the home addresses of employees of that agency.

Overall, Senate Bill 411 represents a strong step forward for the Right-to-Know Law. It can be improved, and there is no doubt that other amendments will be considered when Senate Bill 411 advances. Indeed, I anticipate having a few requests on behalf of the Office of Open Records.

As the House State Government Committee considers the bill and any proposed amendments, I will be happy to play whatever role you think would be most helpful.

Finally, Mister Chairman, although this does not directly relate to the bill itself, I'm pleased to report that following the House Appropriations Committee budget hearing, I established an internal working group for our draft regulations. I'm personally involved in that process and will continue to push it forward.

Thank you again for inviting me to testify. I'll be happy to answer any questions.

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