



pennsylvania

OFFICE OF OPEN RECORDS

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<http://openrecords.pa.gov>

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Don't Fear Transparency

Embracing transparency is the best policy

- The goal of the Right-to-Know Law (as said by the Supreme Court) is “to empower citizens by affording them access to information concerning the activities of their government”
- Constituents *expect* transparency

The Right-to-Know Law

All gov't records are presumed to be public

- Exceptions
 - 30 exceptions in RTKL itself
 - Other state statutes
 - Federal law
 - Court orders

Exceptions to the RTKL

Exceptions in the RTKL include:

- Public safety & personal safety
- Social Security #s, driver's license #s
- Employee performance reviews
- Medical records
- Internal, predecisional deliberations
- Certain investigative records

Cut RTK Requests Up Front

Many records can/should be instantly available

- Constituents want information online
 - Meeting minutes
 - Budget documents, including spending
 - RFPs and contracts
 - Job openings
 - Park maps

How the RTKL Applies to You

A record is...

- “information, regardless of physical form or characteristics, that documents a transaction or activity of an agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency”

How the RTKL Applies to You

The Right-to-Know Law...

- Doesn't distinguish between emails & paper
- Doesn't distinguish between agency devices & personal devices
- It only cares if the document / email / whatever is a “record” – and then if that record is a “public record”

Best Practice

Whenever possible:

- Use agency devices for agency work
- Dramatically simplifies process of responding to RTK requests – and the process of gathering documents for any other purpose

Record Retention

The RTKL does not address record retention

- Goal is a strong, effective retention policy
- Must balance agency needs & transparency
 - *Can't simply say "0 days for everything"*
- PHMC has a Municipal Records Manual
 - Includes a retention schedule
 - PHMC staff can be a great resource

Have a Good AORO

AORO = Agency Open Records Officer

- Sometimes called “Right-to-Know Officer”
- A good AORO is absolutely vital
- Usually is an employee with other duties
- Job responsibilities:
 - Communicating with requesters
 - Understanding agency record-keeping
 - Meeting tight, inflexible deadlines

Sunshine Act

Complementary to the Right-to-Know Law

- RTKL = Open Records Act
- Sunshine Act = Open Meetings Act
- When agencies must hold public meetings
- OOR website's Sunshine Act page offers practical tips about the law

Training from the OOR

Training on the RTKL & Sunshine Act

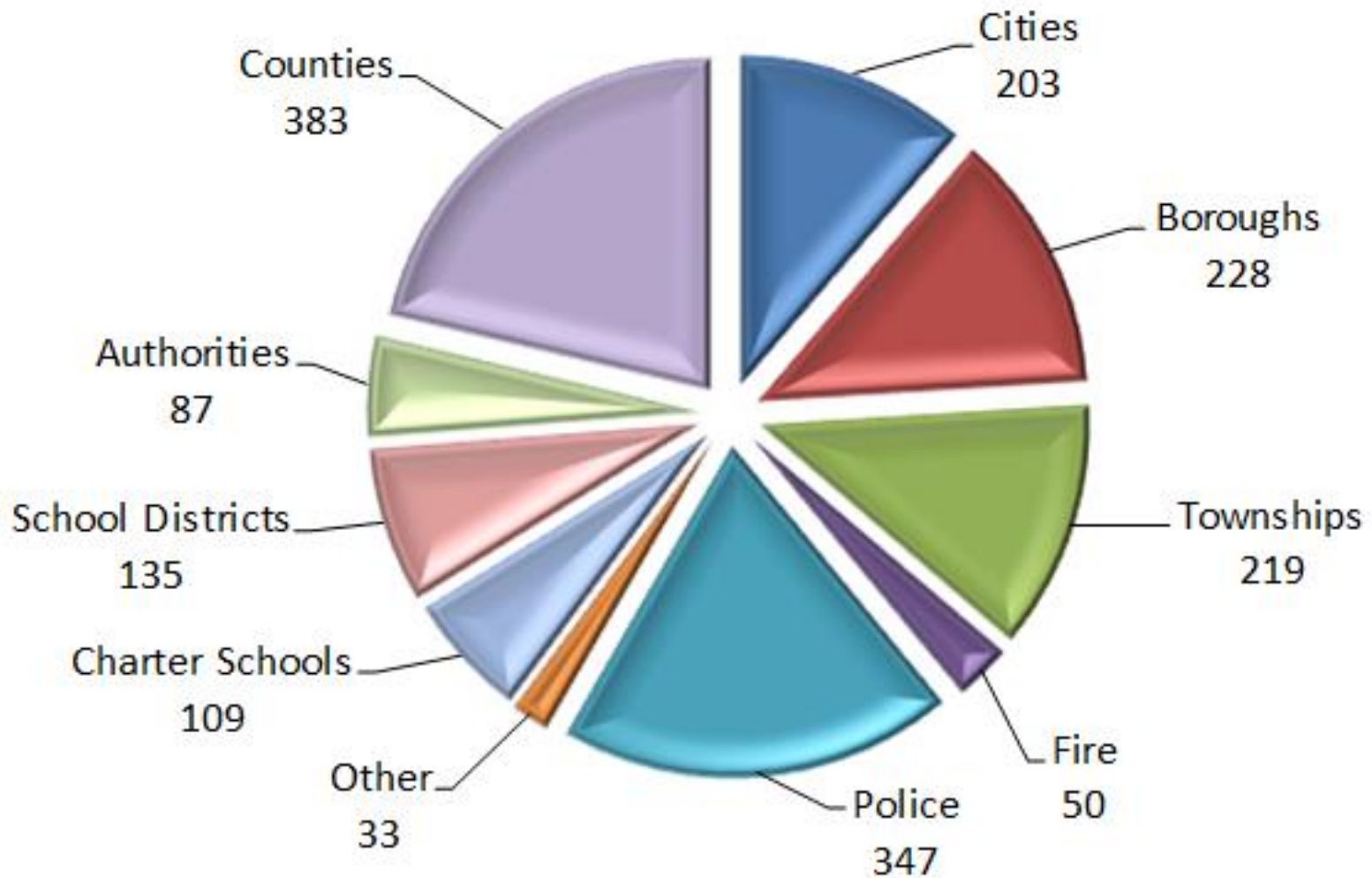
- OOR website filled with information
 - www.openrecords.pa.gov
- OOR also provides on-site training
 - Details on OOR website
 - Or call George Spiess, 717-346-9903

Don't Feel Overwhelmed

It can be a lot, but it's manageable

- In 2015, OOR heard 2,926 appeals
 - *Total appeals, not total requests*
- Of those, 61.3% involved local agencies
- But only 7.4% (219) involved townships

Local Agency Appeals in 2015



The Office of Open Records

One of my goals is to simplify the RTK process for agencies & requesters

- <http://openrecords.pa.gov>
- Constantly updating content
 - New AORO Guidebook for agencies
 - Sample affidavit forms for agencies
- Suggestions welcome

Mediation

Goal: Resolve more cases informally

- OOR authorized to establish mediation
- Limited resources made this difficult in past
- Resources still limited, but moving forward
- No harm in agreeing to mediation
 - Worst-case scenario: FD is slightly delayed

Senate Bill 411

Significant amendments to the RTKL

- Separate fees for commercial requesters
- Limits on inmate requests
- OOR procedural improvements
- Numerous clarifications
- State-related universities: online databases
- Supported by PSATS



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THANK YOU

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