

## RIGHT-TO-KNOW EXCEPTIONS

### 1 The burden of proving that a record is exempt from public access is on the agency §708(a) except:

- If the disclosure would result in the loss of state or federal funds §708(b)(1)(i), or the disclosure would reasonably be likely to result in substantial and demonstrable risk of physical harm or personal security of an individual §708(b)(1)(ii)
- The record places military, homeland security or public safety in jeopardy §708(b)(2)
- A record, the disclosure of which creates a reasonable likelihood of endangering the safety of a public building, public utility or other infrastructure resource §708(b)(3-4)
- A record of an individual's medical history or disability, worker's compensation information §708(b)(5)
- A record containing all or part of a SSN, driver's number, personal financial information, home & cellular telephone numbers, personal e-mail addresses, employee number or other confidential ID number §708(b)(6)(i)(A)
- A spouses name; marital status, beneficiary or dependent information §708(b)(6)(i)(B)
- letter of reference for non-elective or appointed positions requiring senate confirmation §708(b)(6)(i)
- A performance rating or review §708(b)(6)(ii)
- The results of civil service tests shall not be disclosed if restricted by CBA. Only test scores that of individuals who were passing may be disclosed §708(b)(6)(iii)
- **§708(b)(7) RELATES TO AGENCY EMPLOYEES**
- **The employment application of a person not hired by an agency §708(b)(7)(iv)**
- Workplace support services program information §708(b)(7)(v)
- Written criticisms of an employee §708(b)(7)(vi)
- Grievance Material including documents relating to discrimination and sexual harassment §708(b)(7)(vii)
- Information regarding discipline, demotion or discharge contained in a personnel file. This does not apply to final action by an agency that results in demotion or discharge. §708(b)(7)(viii)
- **An academic transcript §708(b)(7)(ix)**
- **Strategies and negotiations relating to labor negotiations, except final contracts §708(b)(8)(i)**
- **Any exhibits entered into evidence at an arbitration hearing based upon a CBA grievance §708(b)(8)(ii)**

- Internal agency predecisional deliberations and strategies used to develop or achieve a successful budget, legislative proposal or regulation §708(b)(10)(i)(A-B)
- A record presented which is not otherwise exempt, but is presented to a quorum for deliberation in accordance with the Open Meetings law is a public record §708(b)(10)(ii)
- This shall not apply to a written or internet application or other document requesting commonwealth funds §708(b)(10)(iii)(Grant Requests)
- This section does not apply to public opinion surveys or other such research designed to measure public opinion §708(b)(10)(iv)
- **Trade Secrets or Confidential Proprietary Information. §708(b)(11)**
- **Working papers or notes prepared by or for an agency employee for that person's own personal use, including message slips, routing slips, and other materials that do not have an official purpose. §708(b)(12)**
- **Records that would disclose the identity of an individual who lawfully makes a donation is to providing remuneration or personal tangible benefit to a named public official or employee, this includes lists of potential donors and their personally identifiable information. §708(b)(13)**
- **Unpublished lecture notes, manuscripts, articles, creative works in-progress, research material and scholarly correspondence of a community college or a PASSHE institution of faculty member, staff, guest speaker, or student. §708(b)(14)**
- **Academic transcripts §708(b)(15)(i)**
- **Examinations, examination questions, scoring keys or answers. This shall also include licensing and other examinations given in primary, secondary, and higher education. §708(b)(15)(ii)**
- **Police investigatory records, blotter information is still public record. §708(b)(16)**
- **An agency investigation does not include fine or civil penalty §708(b)(17)**
- 911 calls and radio transmissions unless the public interest outweighs the interest of non-disclosure §708(b)(18)
- DNA & RNA records §708(b)(19)
- Drafts minutes of any agency meeting until the next regularly scheduled meeting is held §708(b)(21) minutes of an executive session §708(b)(21)(ii)
- The contents of real estate appraisals made for acquiring an interest in real property, purchase of public supplies, and construction projects, until a decision is made, then the information becomes public §708(b)(22)
- Library and archive circulation and order records of an identifiable individual or group §708(b)(23)
- Library archived and museum materials, or valuable or rare book collections or documents contributed by gift, grant, bequest or devise, to

the extent of any limitations imposed by the donor as a condition of the contribution. §708(b)(24)

- A record of an archeological site or endangered plant or animal if not already known by the general public §708(b)(25)
- A proposal pertaining to agency procurement or disposal of supplies, services or construction prior to the award of the contract or prior to the opening and rejection of all bids; financial information of a bidder or offeror requested in an invitation for bid or request for proposals to demonstrate the bidder's or offeror's economic capability; or the identity of members, notes and other records of an agency proposal evaluation committees established under the Procurement Code §708(b)(26)
- Communication between an agency and its insurance carrier. This does not apply to the actual contract §708(b)(27)
- Information identifying an individual who applies for or receives social services §708(b)(28)
- Correspondence between a person and a member of the General Assembly that request some form of constituent services. This does not apply to correspondence from lobbyists §708(b)(29)
- A record identifying that name, address, or date of birth of a child 17 years of age or younger §708(b)(30)
- **Financial records - The exception in subsection (b) shall not apply to financial records except that an agency may redact that portion of a financial record that is protected under (B)(1)(2)(3)(4)(5)(6)(16)or(17)**