

pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION



PA Right to Know Law & Requests to DEP

Citizens Advisory Council

November 19, 2013

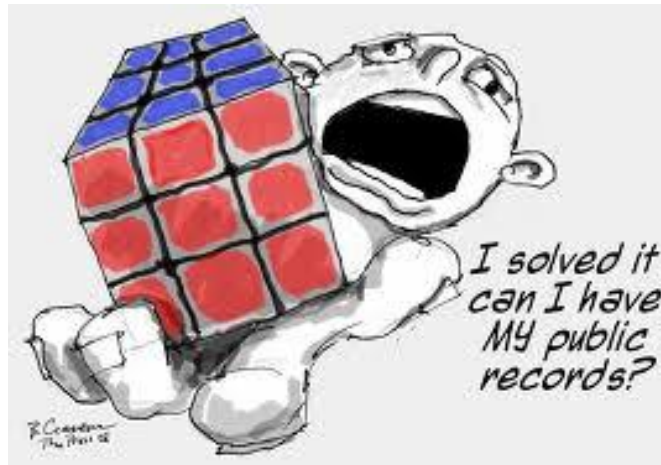
Disclaimer

These materials do not necessarily reflect the views of the Commonwealth, the Office of General Counsel or the PA Department of Environmental Protection.

▶ PA Right to Know Law

General Rule

Unless otherwise provided by law, a *public record*, shall be accessible for inspection and duplication.



PA Right to Know Law

What is a record?

- (1) Information, regardless of physical form or characteristics;
- (2) That documents a transaction or activity of an agency; and
- (3) Is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency.

PA Right to Know Law

What is a *public* record?

A record, in possession of an agency, is presumed to be a *public* record unless:

- (1) It is exempt under section 708 of the RTKL;
- (2) It is protected by a privilege;
- (3) It is exempt from disclosure under other Federal or State law or regulation; or
- (4) It is exempt from disclosure by judicial order or decree.

▶ PA Right to Know Law

What is the RTKL process?

- Five (5) business days to respond to written request.
- An agency can request an extension of time of up to 30 days for good reason.
- If there is no response within five (5) business days or 30 days (if there is an extension) then it is deemed a denial.

PA Right to Know Law

What is the RTKL *appeal* process?

- Appeals go to the Office of Open Records (OOR).
 - 15 days to appeal (from date of denial)
 - OOR has 30 days to issue determination (from date of appeal)
- Appeals from OOR decisions go to the Commonwealth Court.
 - 30 days to appeal (from date of OOR determination)

▶ RTKL Requests to DEP

Key Personnel in Central Office:

- Agency Open Records Officer (AORO) = Dawn Schaef
- Right to Know Legal Liaison (RLL) = Jacqui Barnett
- Right to Know Reg. Counsel Liaison = Trisha Salvia
- Right to Know Law Legal Administrator = Bill Shakely

http://www.portal.state.pa.us/portal/server.pt/community/public_records/19207/right_to_know_procedure/723458

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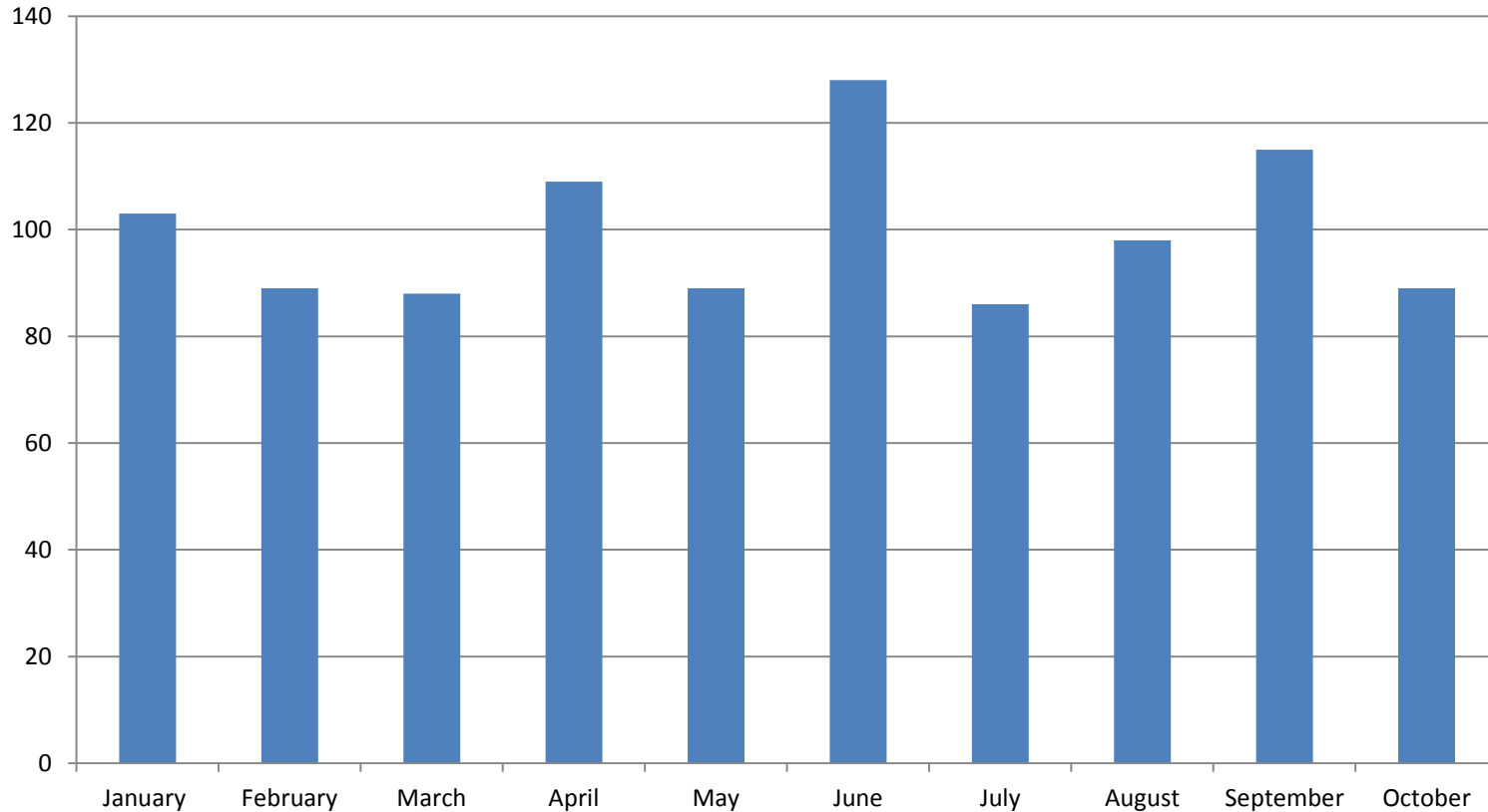
RTKL Requests to DEP

Current Issues:

- Lack of specificity in written request.
- Response clock starts when a written request is received by *any* employee.
- Informal vs. Formal requests.
- Senate Bill 444.

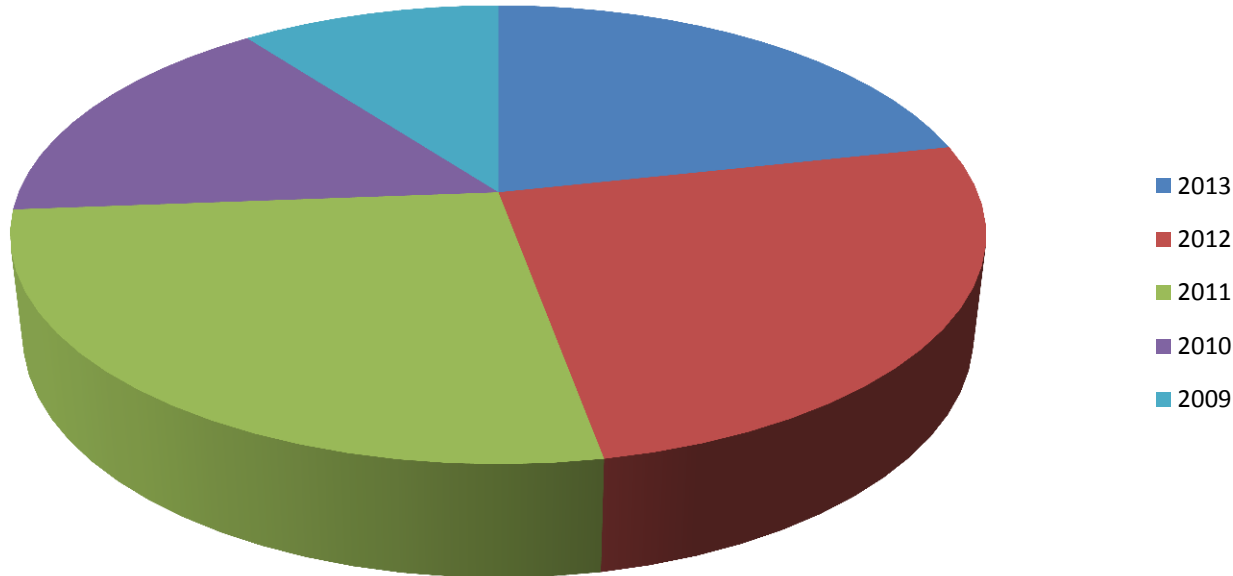
RTKL Requests to DEP

2013 Monthly Requests

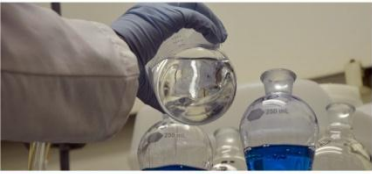


RTKL Requests to DEP

Yearly RTKL Requests



- **2013 = 994 (Jan. – Oct.)**
- **2012 = 1174**
- **2011 = 1227**
- **2010 = 733**
- **2009 = 473**



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