

**WARREN COUNTY SCHOOL DISTRICT
WARREN COUNTY, PENNSYLVANIA**

RESOLUTION: 21-05-03

WHEREAS, Pennsylvania's Right-to-Know Law (RTKL) requires state and local government agencies, including public school entities, to disclose documents that meet the Law's definition of a public record; and

WHEREAS, the RTKL contains specific responsibilities and procedures as well as restrictive timelines for processing and responding to requests for the inspection and duplication of records that are determined to be public records; and

WHEREAS, public agencies, including school entities, must appoint an open records officer who is responsible for receiving right-to-know requests, tracking progress in responding to such requests, and issuing interim and final responses to the Requester; and

WHEREAS, the RTKL also established a state Office of Open Records (OOR) to review appeals of decisions made by public agencies; and

WHEREAS, the original Right to Know Act was passed in 1957 and has been updated through the years, but the last comprehensive changes were made pursuant to Act 3 of 2008; and

WHEREAS, while the RTKL works to ensure that requesters can secure access to public record information, the Board of School Directors of the Warren County School District believes that the General Assembly should act update the Right-to-Know Law to address concerns which ultimately cost the taxpayers of the District money in order to respond to requests that do not serve the public interest; and

WHEREAS, the Board believes that common sense changes can be made to clarify and improve the RTKL while maintaining the goals of transparency and accountability, including revisions to address abuses associated with extensive, complex, confusing, or frequent requests that fail to serve a public purpose; and

WHEREAS, some requests require extensive amounts of staff time and may require the agency to incur significant legal fees because of the number of records which must be located, reviewed, redacted, possibly duplicated, and re-filed, and may involve information sought by companies for a commercial, profit-making purpose; and

WHEREAS, some requests are made by vexatious requesters, individuals who use the RTKL with malicious intent to intimidate, harass, or punish a public agency, wasting taxpayer resources; and

WHEREAS, public agencies have seen a small but steady increase in recent years in the number of individuals using the law in this manner, a practice which was not anticipated by the General Assembly when the RTKL was passed; and

WHEREAS, Senate Bill 312 provides for fees incurred in response to commercial requests, many of which are vague, overbroad or voluminous and can take hours of staff time and may even require the involvement of a public agency's attorney to evaluate the request allowing public agencies to charge reasonable fees for the search, review, and compilation of records which are requested for commercial purposes; and

WHEREAS, current law does not allow public agencies to recoup any of the costs associated with complying with these requests because the current fee structure does not allow any fees beyond duplication and mailing costs, causing taxpayers to pay for the search, review, and compilation of records requested for the purpose of generating revenue for the requester; and

WHEREAS, Senate Bill 552 would create a new process by which agencies may petition the Office of Open Records (OOR) for relief from a vexatious requester, who would be identified through a number of factors, and the OOR process would include information gathering, hearings, and possible mediation before a final opinion is rendered

WHEREAS, Senate Bill 552 provides relief from a requester identified as vexatious, including an order that the public agency would not have to comply with a request from the vexatious requester for up to one year; and

WHEREAS, Senate Bill 552 is supported by the Pennsylvania School Boards Association, the County Commissioners Association of Pennsylvania, the Pennsylvania Municipal Authorities Association, the Pennsylvania Municipal League, the Pennsylvania State Association of Boroughs, the Pennsylvania State Association of Township Commissioners, and the Pennsylvania State Association of Township Supervisors;

NOW, THEREFORE, BE IT RESOLVED, that the Board of School Directors of the Warren County School District supports the common sense reforms set for in Senate Bill 312 and Senate Bill 552 and calls upon the General Assembly to meaningfully revise the current Right to Know Law to ensure that public agencies and taxpayers are no longer paying for responding to information requests made for commercial purposes and for frequent requests made by individuals who use the RTKL with malicious and vexatious intent.

Adopted this _____ day of _____, 2021.

WARREN COUNTY SCHOOL DISTRICT

ATTEST:

School Board President

Board Secretary