PSEA
PENNSYLVANIA STATE EDUCATION ASSOCIATION

Legal Division
400 North Third Street
PO Box 2225
Harrisburg, PA 17105-2225
(717) 255-7000 Ext. 7025, 7046, or 7029
(800) 944-PSEA (7732)
Fax: (717) 255-7132
www.psea.org

Via First Class and Electronic Mail

March 6, 2009

Terry Mutchler
Executive Director
Office of Open Records
400 North Street
Harrisburg, PA 17120-0225

RE: Request for Advisory Opinion
Individual Public Employee Addresses

Dear Ms. Mutchler:

The Pennsylvania State Education Association (PSEA) is a professional and labor organization with over 150,000 members who are professional and support professional employees of public school and public health entities in the Commonwealth.

PSEA represents several individual employees of the Boyertown Area, Souderton Area, and Wilson School Districts whose W-2 forms have been requested from their respective employers under the Right-to-Know Law. PSEA can provide the names of the affected employees upon request. Each district has invoked the thirty-day period for legal review, but each has expressed their intent to ultimately release the forms without redacting the employees' home addresses. The public availability of home address information raises concerns by and on behalf of our members, who are public school employees and whose personal home address information may be subject to release.

On behalf of its members, whose personal information has been requested, PSEA respectfully requests that the Office of Open Records address the following issue:

> ***Whether, and to what extent, individual employee home addresses are subject to access under the Pennsylvania Right-to-Know Law.***

At this time, PSEA is not aware of litigation currently pending regarding access of employee home addresses.

PSEA acknowledges that the Law's general exception for personal information does not expressly exempt records of home addresses of all public employees. 65 P.S. § 708(b)(6)(i)(A) (exempting social security number, driver's license number, personal financial information, home, cellular or personal telephone numbers, personal e-mail addresses, employee number or other confidential personal identification number). The Law does specifically exempt the home addresses of law enforcement officers, judges, and minors. 65 P.S. §§ 708(b)(6)(i)(C) and 708(b)(30).

While the Law does not expressly exclude the home addresses of all public employees, in PSEA's opinion, the home address of a public school employee is exempt under either: (1) the exception for "personal security," in Section 708(b)(1)(ii); and/or, (2) the Pennsylvania Constitution's guarantee of privacy in personal information in Article I Sections 1 and 8. Additionally, while home addresses of Pennsylvania residents are available to the public under other circumstances; those circumstances do not automatically render public school employee home addresses a "public record" for purposes of the Right-to-Know Law.

1. The exception for personal security in Section 708(b) precludes the release of school employees' home addresses.

The Right-to-Know Law includes an exception for records that "would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual." 65 P.S. § 67.708(b)(1)(ii). Due to the risks that public knowledge of home address present – both with respect to physical safety and financial security – PSEA believes that home addresses of public school employees should be exempt from disclosure under the exclusion for "personal security."

The prior Right-to-Know Law and its interpretive cases are instructive. Under the prior version of the Law, records were similarly excluded where disclosure "would operate to the prejudice or impairment of a person's reputation or personal security." 65 P.S. § 66.1, repealed by 2008, Feb. 14, P.L. 6, No. 3, § 3102(2)(ii). Personal security in the context of this exception has been defined as "freedom from harm, danger, fear or anxiety." Times Publishing Co. v. Michel, 633 A.2d 1233, 1236 (1993), app. denied, 645 A.2d 1321 (Pa. 1994).

In 1975, the Pennsylvania Commonwealth Court held that, in order for information to be excluded for reasons of personal security, the information, if disclosed, had to be "intrinsically harmful." Moak v. Philadelphia Newspapers, Inc., 336 A.2d 920 (1975), abrogated by Pennsylvania State University v. State Employees' Retirement Board, 935 A.2d 530 (2007). See also, Young v. Armstrong Sch. Dist., 344 A.2d 738, 740 (1975), overruled by Tribune-Review Publishing Co. v. Allegheny County Housing Authority, 662 A.2d 677 (Pa. Commw. Ct. 1995), app. denied, 686 A.2d 1315 (Pa. 1996).

In 2005, the Commonwealth Court backed down from its holding. In Tribune-Review Publishing Co. v. Bodack, 875 A.2d 402 (Pa. Commw. Ct. 2005), aff'd 961 A.2d 110 (Pa. 2008), the Court noted that "the requirement in Young that the records be 'intrinsically harmful' is not a requirement contained in 65 P.S. § 66.1. Rather, the disclosure of the records only has to 'operate to the prejudice or impairment of a person's reputation or personal security.'" Id. at 408.

The Pennsylvania Supreme Court has expressly rejected the "intrinsically harmful" requirement. Pa. State Univ., 935 A.2d at 541. The Court held that intrinsic harmfulness was not a sole determining factor in considering whether a record is excluded, but rather a relevant factor that weighed in favor of exclusion. Id.

Personal information has been excluded under the prior Right-to-Know Law based on considerations of both physical and financial security. See, Times Publ'g Co., 633 A.2d at 1237 (home addresses on firearms applications are excluded under the personal security exemption because disclosure could lead to burglaries by those in search of firearms); Bodack, 875 A.2d at 408 (Pa. Commw. Ct. 2005) (the release of personal phone numbers could operate to impair a person's personal security and lead to identity theft). The personal security exception of the prior Law has also been interpreted as protecting against impairment of privacy interests. Bodack, 961 A.2d 110, 115 (Pa. 2008) (see Section (2) below).

Under the prior version of the Law, in determining whether requested records should be excluded under the personal security exception, a balancing test was utilized:

> [T]he appropriate question is whether the records would potentially impair the reputation or personal security of another, and whether that potential impairment outweighs the public interest in the dissemination of the records at issue.

Pa. State Univ., 935 A.2d at 538. See also, Bodack, 961 A.2d at 115.

When considering the balancing test, the Court in Bodack explained that no individualized showing of impaired security would be required:

> [W]e reject [the] argument that the statutory exception does not apply unless the agency establishes, with specific evidence as to each piece of information or data, that the exception has been met. . . . On the contrary, if anything our case law has recognized that there are certain **types** of information whose disclosure, by their very nature, would operate to the prejudice or impairment of a person's privacy, reputation, or personal security, and thus intrinsically possess a palpable weight

> that can be balanced by a court against those competing factors that favor disclosure.

Bodack, 961 A.2d at 115-116 (emphasis in original). The Court then recognized that a home address was one of the "types" of information which would be inherently threatening if disclosed. Id. at 116-17 (citing prior decisions which excluded home addresses without requiring proof of individualized harm). Therefore, "an agency opposing disclosure of such personal information is not . . . required to prove item-by-item that each person or entity who may be affected will potentially suffer a threat to privacy, reputation, or personal security." Id. at 117.

The Pennsylvania Supreme Court specifically declined to separate the analysis of privacy considerations from the balancing of interests under the personal security exception. Pa. State Univ., 935 A.2d at 538. The analysis of the exception for reputation and personal security "subsumes the question of whether the potential impairment of any privacy interests outweighs the public interest in the dissemination at issue." Id. The prior Law's personal security exclusion operated to exclude home addresses based on interests in personal security and/or privacy on a consistent basis. See Sapp Roofing Co. v. Sheet Metal Workers' Int'l Ass'n, Local Union No. 12, 713 A.2d 627, 630 (Pa. 1998) (plurality decision); Hartman v. Dep't of Conservation & Natural Res., 892 A.2d 897, 906 (Pa. Commw. Ct. 2005); Rowland v. Commonwealth, Pub. Sch. Employees' Ret. Sys., 885 A.2d 621, 628-30 (Pa. Commw. Ct. 2005), app. denied, 897 A.2d 462 (Pa. 2006); Allegheny County Hous. Auth., 662 A.2d at 684.

While the current Right-to-Know Law does recognize the security risks involved with respect to the release of home addresses of law enforcement officers and judges under the Right-to-Know Law, the public release of the home addresses of other public employees, particularly school employees, likewise presents personal security concerns. In this regard, it has been reported that between 1996 and 2000, 559,000 teachers were victims of violent crimes; approximately 28 out of every 1,000 teachers were victims of such crimes; and 3 out of 1,000 teachers were the victims of **serious** violent crimes such as rape, sexual assault, robbery and aggravated assault. http://www.safeyouth.org/scripts/faq/violteacher.asp. In addition, in 1999-2000, 9% of all teachers were threatened with injury by students. Id.

Similarly, closer to home, Pittsburgh's Post Gazette has reported that from 2002 to 2006, 621 students assaulted teachers in Allegheny County schools and that 179 of these assaults occurred in 2006. Post Gazette, March 5, 2007, http://www.post-gazette.com/pg/07064/766954-298.stm. Examples of assaults recounted in this article include incidents where: (1) two students tossed an explosive at a teacher who then suffered hearing and vision loss and was unable to work; and (2) a student hit, spat at and bit teachers requiring one of the teachers to obtain a tetanus shot and be tested for Hepatitis B and C. Id.

Due to the prevalence of assaults against teachers, one commentator has noted that school violence is so widespread that teachers are among those workers most likely to be victims of assault. Kim Spotts, Cypress Media, Inc. v. Hazelton Area School District: The Commonwealth Court Holds that Employment Applications for Teaching Positions are not Subject to Public Scrutiny under the Right to Know Act, 8 Widener J. Pub. L. 625 (1999). This commentator explains that given the prevalence of school violence and serious health risks present to those who work in the schools, any unnecessary disclosure of an educator's address has the potential to infringe upon the educator's sense of personal security. Id. Finally, the commentator notes that the likelihood of an intrusion on an educator's sense of personal security is compounded by the delicate relationships educators have with students which could easily lead to violence in the educator's home if a disgruntled student has access to an educator's address. Id.

School employees work with minors and often with students who have emotional difficulties, psychological, medical or behavioral problems or who have exhibited disruptive or even violent tendencies. See e.g., Abington v. Ahmad, 1997 WL 102519, 25 IDELR 600 (E.D. Pa. 1997) (case concerning violent special education student). Some teachers across the Commonwealth work in schools that are populated by gangs, or are in situations where they must discipline unruly or troublesome students. See e.g., Gremo v. Karlin, 363 F.Supp.2d 771 (E.D. Pa. 2005) (discussing violence in Philadelphia schools). In addition, parents have physically assaulted teachers. See e.g., Commonwealth v. Brown, 822 A.2d. 83 (Pa. Super. Ct. 2003) (parent guilty of aggravated assault where she pushed and threatened to kill the teacher).

Unfettered access to home addresses can bring school-related violence to a school employee's doorstep. Notwithstanding the substantial risks to educators noted in the preceding paragraphs, the Right-to-Know Law makes it ridiculously easy for any person to obtain a wholesale list of all employees in a particular school district or school building. The release of such addresses operates to the impairment of school employees' personal security and PSEA believes that the home addresses of public employees, and specifically school employees, would be excluded under the personal security provision of the Right-to-Know Law.

The Supreme Court has recognized that home address information, by its nature, would threaten personal security upon disclosure and, given the inherent danger to personal security (and privacy), there is no need to prove that each person or entity who may be affected will potentially suffer a threat. The current Right-to-Know Law should be construed similarly.

2. The Pennsylvania Constitution's Right to Privacy requires that the Right-to-Know Law be construed to preclude the release of home addresses, or be declared unconstitutional.

The Pennsylvania Supreme Court in Denoncourt v. Commonwealth State Ethics Commission, 470 A.2d 945, 494 (Pa. 1983), recognized a constitutional right to privacy arising under Article I, Sections 1 and 8 of the Pennsylvania Constitution: "[T]here is a recognized privacy interest sought to be protected in this case; it is in the nature of freedom from disclosure of personal matters; and it is constitutionally based." See also, Commonwealth v. Edmunds, 586 A.2d 887, 898 (Pa. 1991); In re June 1979 Allegheny County Investigating Grand Jury, 415 A.2d 73, 77 (Pa. 1980); Commonwealth v. DeJohn, 403 A.2d 1283, 1291 (1979), cert. denied, 444 U.S. 1032 (Pa. 1980).

Pennsylvania's Courts have interpreted the previous Law's statutory personal security exclusion as creating a privacy exception to the Law's disclosure requirements, consistent with the constitutional guarantee of privacy. Bodack, 961 A.2d 110, 115 (Pa. 2008); Pa. State Univ., 935 A.2d at 538; Hartman, 892 A.2d at 905; Rowland, 885 A.2d at 628; See also, Times Publ'g Co., 633 A.2d at 1239. However, the right of privacy in this context is not absolute, and must be balanced against the public interests protected by the Right-to-Know Law. Hartman, 892 A.2d at 906; Rowland, 885 A.2d at 629; Bangor Area Educ. Ass'n v. Angle, 720 A.2d 198, 201 (Pa. Commw. Ct. 1998), aff'd, 750 A.2d 282 (Pa. 2000).

Accordingly, the Pennsylvania Supreme Court approved the use of the balancing test under the previous Law to determine whether personal information should be excluded from disclosure, weighing "privacy interests and the extent to which they may be invaded, against the public benefit which would result from disclosure." Times Publishing Co., 633 A.2d at 1239. The information is not to be categorically excluded, but rather is to be excluded where the privacy interests outweigh the benefit of disclosure.

Pennsylvania Courts have recognized that an individual has a "basic right[] to privacy" in his or her home address. Pa. State Univ., 594 Pa. at 260, 935 A.2d at 539. On this basis, the courts have, in most cases decided since the recognition that the Right-to-Know Law protects individual privacy rights, struck down the disclosure of home address as an "unwarranted invasion of privacy outweighing any public benefit derived from disclosure." Times Publishing Co., 633 A.2d at 1239. See also Sapp Roofing Co., 713 A.2d at 630; Hartman, 892 A.2d at 905; Rowland, 885 A.2d at 628; Bargeron v. Dep't of Labor & Indus., 720 A.2d 500, 504 (Pa. Commw. Ct. 1998); Cypress Media, Inc. v. Hazleton Area Sch. Dist., 708 A.2d 866, 870 (Pa. Commw. Ct. 1998), app. dismissed as improvidently granted, 724 A.2d 347 (Pa. 1999). Accord, Buehl v. Pa. Dep't of Corr., 955 A.2d 488, 492 (Pa. Commw. Ct. 2008) (addresses "could be used directly to invade the personal privacy of another"); Parsons v. Urban Redevelopment Auth.

of Pittsburgh, 893 A.2d 164, 169-70 (Pa. Commw. Ct. 2006), app. denied, 916 A.2d 635 (Pa. 2007) (home address is "the kind of confidential information that is subject to protection" from disclosure).

Along the same lines, albeit not applying a constitutional analysis, the Executive Director of the New York Department of State's Committee on Open Government has advised that home addresses of public employees in New York are generally excluded from disclosure on the basis of privacy because home addresses are "largely irrelevant to the performance of one's duties." See e.g., Opinion no. 11793, Nov. 1, 1999, http://www.dos.state.ny.us/coog/ftext/f11793.htm; Opinion no. 9857, Jan. 27, 1997, http://www.dos.state.ny.us/coog/ftext/ f9857.htm.

In Goppelt v. City of Philadelphia Revenue Department, 841 A.2d 599, 606 (Pa. Commw. Ct. 2004), the Commonwealth Court applied the balancing test to hold that the disclosure of off-site mailing addresses of delinquent property taxpayers was required because of the weight of the public's interest in disclosure. However, even in that case, the Court noted that the off-site mailing addresses were voluntarily submitted by property owners and were "not necessarily their home addresses." Id. at 606.

A discussion about home addresses was held on the record during the legislative consideration of the Right-to-Know Amendments, where it was indicated that home addresses would be subject to disclosure. The bill's sponsor, Senator Pileggi, stated that "the [now previous] law does allow for . . . addresses in public records to be permitted. So this is not an expansion of that law, but rather, it maintains present law." (Legislative Journal - Senate, page 1559, Jan. 30, 2008). While it is true that the prior Right-to-Know Law did not expressly prohibit the release of home addresses, Senator Pileggi's statements fail to acknowledge that home addresses were consistently excluded from disclosure under the prior Law, as demonstrated by the many court decisions cited herein.

In order to avoid constitutional infirmity, the current Right-to-Know Law will need to take account of the privacy exception grounded in the Pennsylvania Constitution. The constitutional right to privacy is not exclusive to the specific language of the prior version of the Law, and should be deemed unaffected by any changes. In a recent final determination, the Office of Open Records recognized that the privacy exception survives with the revisions to the Law. In re WTAE-TV v. Port Authority, Docket No. AP 2009-008. In that decision, Appeals Officer Dena Lefkowitz cited to the privacy exception, as outlined by the Commonwealth Court in Rowland with respect to addressing whether birth dates were subject to disclosure under the new Law. She likewise referenced the requisite weighing of interests, but concluded that no facts in favor of nondisclosure of dates of birth had been offered by the agency.

The failure to recognize a privacy exception in the Right-to-Know Law would violate the Pennsylvania Constitution. See Times Publ'g Co., 633 A.2d at 1239. While the Pennsylvania Supreme Court has rejected the idea of an independent constitutional challenge to disclosure based on privacy concerns, it did so in light of the fact that the Right-to-Know Law's personal security exception had been deemed to already protect those constitutional privacy rights. Pa. State Univ., 935 A.2d at 538. If privacy interests are not incorporated into the personal security exception of the new Law, the right to privacy under the Pennsylvania Constitution would constitute an independent basis for exclusion under Section 102(2), which excludes records which are made exempt by any other law or regulation. 65 P.S. § 67.102.

In order for a governmental invasion of privacy rights to be constitutional, the state must have a significant interest which is furthered by the infringement:

> Thus, it may be said that government's intrusion into a person's private affairs is constitutionally justified when the government interest is significant and there is no alternate reasonable method of less intrusiveness to accomplish the governmental purpose. ***Whether there is a significant state interest will depend, in part, on whether the state's intrusion will effect its purpose; for if the intrusion does not effect the state's purpose, it is a gratuitous intrusion, not a purposeful one.***

Denoncourt, 504 Pa. at 200, 470 A.2d at 949 (emphasis added).

In most circumstances, the release of an employee's private home address information to the public will constitute a gratuitous invasion of privacy that does not effect the purpose of the Right-to-Know Law. See Pa. State Univ., 935 A.2d at 533 (the intent of the Right-to-Know Law is to increase "transparency and public access regarding any expenditure of public funds"). Therefore, home addresses should be excluded by virtue of being exempt under "other . . . State law," 65 P.S. § 65.102, which should be construed to include the Pennsylvania Constitution. Any application of the Right-to-Know Law which gratuitously infringes on the privacy rights of public employees would be unconstitutional.

3. While home addresses of Pennsylvania residents are available to the public under other circumstances; those circumstances do not automatically render school employee home addresses a "public record" for purposes of the Right-to-Know Law.

A grant of public access to information does not render that information "public record" governed by the Right-to-Know Law. See Inkpen v. Roberts, 862 A.2d 700 (Pa. Commw. Ct. 2004) (mortgages and deeds are not "public record" under the Right-to-Know Law for purposes of assessing access fees even though the records are otherwise available to the public). See also,

Goppelt, 841 A.2d at 606, (the fact that property owner addresses are publicly accessible by statute is a consideration in deciding that "off-site mailing addresses" of delinquent property taxpayers are subject to disclosure).

In this situation, the release of school employee home addresses based on Right-to-Know requests is not comparable to circumstances where home addresses are otherwise available. The release of home addresses based on Right-to-Know requests would constitute a much broader release of information than that which is admittedly provided for by other law. While the records of property owners' addresses are widely available, see 72 P.S. § 5341.6, these records exist for the specific purpose of documenting what has been deemed to be pertinent information about a specific tract of property. A "listing" of properties, including owner addresses, is only available to the public in limited circumstances, for example, where tax claims are filed against the properties because of delinquent payment. See 53 P.S. § 7146; 72 P.S. § 5860.315.

Other laws permitting broad access to home address information also provide that the information can only be utilized for a specific purpose. For example, while the Pennsylvania Election Code makes district registers (voter registration cards or digital versions of registrations), open to public inspection subject to reasonable safeguards, rules and regulations, 25 Pa.C.S. § 1402, the wholesale release of compilations of voter information is expressly limited by Section 1404 of the Code. 25 Pa. C.S. § 1404(a). While providing access to "public information lists," which include the names of registered voters, their addresses, date of birth, and voting history, these lists are only accessible to those who are using the information contained therein for limited purposes:

> No individual who inspects the list or who acquires names of registered electors from the list may use information contained in the list for purposes unrelated to elections, political activities or law enforcement. Before inspecting the list, the individual must provide identification to the public official having custody of the public information list and must state in writing that any information obtained from the list will not be used for purposes unrelated to elections, political activities or law enforcement.

24 Pa.C.S. § 1404(b)(3). In other words, a broad release of voter information can lead to abuses that have nothing to do with the purpose of granting access under the Code; such abuses are anticipated and prevented by built-in safeguards that protect voters' interests.

Both the current Law and caselaw (decided under the prior Law) preclude an agency from denying access to a record under the Right-to-Know Law where the agency is required to provide public access by virtue of another statute. These authorities do not, however, require the disclosure of information by one agency simply on the basis that the same information is found

in a publicly-accessible record in the hands of another agency. See 65 P.S. § 67.306 of the Law providing that "[n]othing in this act shall supersede or modify the public or nonpublic nature of a record or document established in Federal or State law"; and the Commonwealth Court's decision in Marvel v. Dalrymple, 393 A.2d 494 (Pa. Commw. Ct. 1978), where the Court said:

> [W]e believe the legislature intended the general definition of public record contained within the Right-to-Know Act to incorporate by implication those specific definitions of 'public record' contained in statutes allowing for public access of particular documents of particular agencies.

Id. at 498.

Several courts interpreting open records laws are in accord that home addresses do not become public record simply because they are publicly available in other contexts. The U.S. Supreme Court has recognized that public dissemination of home addresses does not render that information "public" for purposes of the federal Freedom of Information Act:

> It is true that home addresses often are publicly available through sources such as telephone directories and voter registration lists, but in an organized society, there are few facts that are not at one time or another divulged to another. . . . An individual's interest in controlling the dissemination of information regarding personal matters does not dissolve simply because that information may be available to the public in some form.

United States Dep't of Defense v. Federal Labor Relations Auth., 510 U.S. 487, 500 (1994) (internal citation and quotation marks omitted). Concluding that the release of home addresses would not further the public's interest in knowing "what their government is up to," the Court held that the disclosure of employee home addresses was not required. Id. at 497, 502.

The Supreme Court of Ohio has similarly recognized that home addresses generally do not constitute "public record" under the state's open records law, notwithstanding their accessibility, because those addresses have no relevance to an agency's activities:

> [T]he mere fact that the state distributes records containing home addresses to state-employee unions and certain nongovernmental vendors or that some addresses are available through other public records, e.g., voter registration and county property records, does not extinguish state employees' privacy interests in those addresses.

State ex rel. Dispatch Printing Co. v. Johnson, 833 N.E.2d 274, 283 (Ohio 2005). Likewise, the Michigan Supreme Court has concluded that home addresses are "private" information within the context of the "privacy" exception in its open records law:

> An individual's home address and telephone number might be listed in the telephone book or available on an Internet website, but he might nevertheless understandably refuse to disclose this information, when asked, to a stranger, a co-worker, or even an acquaintance. The disclosure of information of a personal nature into the public sphere in certain instances does not automatically remove the protection of the privacy exemption and subject the information to disclosure in every other circumstance.

Michigan Fed'n of Teachers & Sch. Related Pers. v. Univ. of Michigan, 753 N.W.2d 28, 42 (Mich. 2008). See also, Zink v. Commonwealth, Dep't of Workers' Claims, Labor Cabinet, 902 S.W.2d 825 (Ky. Ct. App. 1994), which concluded that records containing home addresses and other personal information were exempt from disclosure under Kentucky's open records law. The Court noted:

> We also realize that telephone numbers and home addresses are often publicly available through sources such as telephone directories and voter registration lists. However, we think this information is no less private simply because that information is available someplace.

Id. at 828.

Even if home addresses are made available in other circumstances, those circumstances do not require disclosure to the extent that would result from unlimited access to public school employee home addresses without applying the balancing test. Notably, notwithstanding the existence of other historically accessible records of home address, the court decisions discussed infra have consistently concluded that a home address was *not* per se a public record subject to disclosure under the Right-to-Know Law.

Any presumption that home addresses are "public record" completely deprives individual employees of an opportunity or forum for challenging the release of his or her address based on countervailing personal security or privacy considerations. If the Office concludes that home addresses are subject to access under the Law, the result will be a wholesale release of home addresses by agency employers without adequate consideration of an individual employee's interests in personal security or privacy. Once home address information is released to the public, a wrongful release cannot be reversed or remedied.

Thank you for your assistance in clarifying this important matter. Do not hesitate to contact me for more information or if you have any questions.

Sincerely,

Lynne L. Wilson
General Counsel

cc: James P. Testerman, PSEA President
John Springer, PSEA Executive Director

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF OPEN RECORDS

July 7, 2009

PSEA
Lynne Wilson
400 North Third Street
PO Box 2225
Harrisburg, PA 17105-2225

RE: Advisory Opinion Request on Individual Public Employee Addresses

Dear Ms. Wilson:

Thank you for writing to the Office of Open Records ("OOR") with your March 6, 2009 request for an Advisory Opinion pursuant to the Right-to-Know Law, 65 P.S. §§67.101, *et seq.*, ("RTKL").

You asked the OOR to assess whether individual public employee addresses are public under the RTKL.

Please be advised that the OOR has decided not to grant this request for an Advisory Opinion at this time. We are declining to accept this request because the OOR has issued several Final Determinations which address this very issue. At this time, based on the OOR opinions set forth in these Final Determinations, we deem your request moot.

You may access the Final Determinations issued by the OOR on our website at http://openrecords.state.pa.us. Some of the Final Determinations that are specific to the nature of your request include, but are not limited to, Green v Bethlehem Area SD (AP2009-0061, Issued 03/20/2009), Green v Pocono Mountain SD (AP2009-0103, Issued 03/23/2009), Greater Pennsylvania Regional Council of Carpenters v Pocono Mountain SD, Malley/Leet (Sheet Metal Workers) - Office of the Budget (AP2009-0327, Issued 05/26/2009) Campbell v Susquehanna County (AP2009-0372, Issued 06/08/2009) and Purcell v City of Philadelphia (AP2009-0263, Issued 06/12/2009)

Thank you for your inquiry. We will reflect this response on the OOR website.

Respectfully,

Corinna Wilson
Chief Counsel

Commonwealth Keystone Building | 400 North Street, 4th Floor
Harrisburg, Pennsylvania 17120-0225
(717)346-9903 | (717) 425-5343 (Fax)
http://openrecords.state.pa.us