



**pennsylvania**  
OFFICE OF OPEN RECORDS

**OOR Public Access Policy**

*Effective November 2, 2020*

**General Policy**

The Office of Open Records (“OOR”) is an independent, quasi-judicial administrative agency whose records are available to public access through the Right-to-Know Law, 65 P.S. § 67.101, *et seq.* (“RTKL”). This policy, in conjunction with the [OOR RTKL Request Policy](#), governs access to records of the OOR.

**Definitions**

All of the definitions set forth in the RTKL are incorporated in this policy by reference.

*AORO.* An agency open records officer.

*Administrative record of the OOR.* A record that administers, executes or implements the business or management of the OOR.

*Appeal record of the OOR.* The RTKL appeal filed with the OOR, all supplemental materials filed by any party, and all correspondence between the OOR and the parties in association with the appeal, including the Final Determination.

*Docket management database.* The database used by the OOR to manage its appeal docket.

*In camera records.* Records provided by an agency to the OOR for private review by an Appeals Officer to determine what information is public.

*Mediation records.* Records directly related to the OOR’s mediation of a RTKL appeal.

*OOR website.* <https://www.openrecords.pa.gov/>

*Protected personal information.* Certain personally identifiable information regarding a party or third party including:

- Social Security number;
- Driver’s license number;
- State identification number;

- Financial account number;
- A minor's name;
- A minor's date of birth; and
- Other information protected under the Pennsylvania Constitution's right to privacy. See *Pa. State Educ. Ass'n v. Commonwealth*, 148 A.3d 142, 2016 Pa. LEXIS 2337 (Pa. 2016).

*Records of the OOR.* Both administrative and appeal records of the OOR.

### **Submissions to the OOR Containing Personal Information**

All submissions to the Office of Open Records will be public records and subject to public access with limited exceptions. Protected personal information should only be provided to the OOR when it is required by law, ordered by the OOR, or is otherwise necessary for the disposition of a matter.

Parties or attorneys submitting documents and other filings to the OOR are solely responsible for ensuring that protected personal information is not submitted to the OOR.

The OOR will make reasonable efforts to ensure that, unless required by law or court order, protected personal information will not be released in response to a request under the RTKL for records of the OOR. However, the OOR is not required to review any filings for compliance with this policy. A party's or attorney's failure to comply with this policy shall not affect access to records of the OOR which are otherwise accessible. If a filing fails to comply with the requirements of this policy, the OOR may, upon request or its own initiative, order the filed document redacted, amended or both.

### **Requesting Records of the OOR**

The process of requesting records of the OOR is governed by the RTKL and the [OOR RTKL Request Policy](#), which is available on the OOR website.

### **Access to Administrative Records of the OOR**

Access to administrative records of the OOR is governed by the RTKL. Applicable exemptions and privileges may be applied to administrative records of the OOR.

### **Access to Appeal Records of the OOR**

Appeal records of the OOR are comparable to judicial records, which are generally available pursuant to the public's right to access court proceedings and records. [Final Determinations](#) issued by the OOR and certain other appeal records of the OOR are available on the OOR website.

Unless required by law or court order, *in camera* records and mediation records will not be provided in response to a request for records of the OOR. Additional information about *in camera* records is available in the OOR's [Procedural Guidelines](#), available on the OOR website. Additional information about the OOR's [Mediation Program](#) is available on the OOR website.

## **Access to Information from the Docket Management Database**

Based on the Supreme Court's decision in *Pa. State Educ. Ass'n v. Commonwealth*<sup>1</sup> and this policy, the OOR will release the following information when bulk records are requested from the docket management database:

1. A party's name;
2. The city, state, and ZIP code of a party's address;
3. A party's email address.
4. An AORO's name, work address, and work contact information;
5. An agency's name, address, and other contact information;
6. Attorney of record's name, work address, and work contact information;
7. Filing date of the case;
8. Docket number; and
9. General docket entries.

## **Access to Personal Information**

In certain circumstances, certain personal information is public information under the RTKL or other applicable laws. Personal information provided to the OOR may be subject to public disclosure if such information is public information.

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<sup>1</sup>("[N]othing in the RTKL suggests that it was ever intended to be used as ... a generator of mailing lists. Public agencies are not clearinghouses of 'bulk' personal information otherwise protected by constitutional privacy rights. ... The right to informational privacy is guaranteed by Article 1, Section 1 of the Pennsylvania Constitution, and may not be violated unless outweighed by a public interest favoring disclosure.")