

March 1, 2023

Daisy Lightner
ryetwp@ptd.net

RE: Advisory Opinion on Waiver Form

Dear Daisy:

The Office of Open Records (“OOR”) received your request for an advisory opinion on February 28, 2023. The OOR may issue advisory opinions pursuant to Section 1310 of the Right-to-Know Law (“RTKL”), 65 P.S. § 67.1310(a)(2). Your request for an advisory opinion is hereby **DENIED** for the reason set forth below.

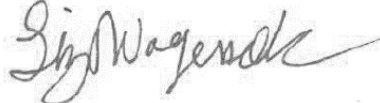
Your advisory opinion request references a waiver form completed by an employee in order to receive a payment in lieu of insurance for their spouse. You also note the exemption found in Section 708(b)(6)(i)(B) of the RTKL, which exempts “[a] spouse’s name, marital status or beneficiary or dependent information.” 65 P.S. § 67.708(b)(6)(i)(B). Specifically, you ask:

How do I apply this exemption to this or similar requests form? Should the name of the employee that is requesting the waiver be redacted according to the above-referenced exemption?

Unfortunately, the OOR is unable to answer these questions without providing legal advice. You should direct those questions to your solicitor or legal counsel. However, we do note that the form at issue appears to be a financial record, as set forth in the RTKL. 65 P.S. § 67.708(c). Financial records cannot be withheld but may be redacted. With respect to redactions made to the form at issue, you may wish to consult *Dep’t of Conserv. & Nat. Res. v. OOR*, 1 A.3d 929 (Pa. Commw. Ct. 2010), where the court permitted the redaction of names and addresses from certified payroll records, reasoning that “[r]edaction of the names and/or addresses renders what was personal financial information, impersonal.” *Id.* at 942; *see also Sapp Roofing Co v. Sheet Metal Workers’ Int’l Ass’n, Local Union No. 12*, 713 A.2d 627 (Pa. 1998). Copies of both decisions can be found in the Case Law Index on the OOR webpage.

This response to your request for an Advisory Opinion will be posted on the OOR’s website at <https://www.openrecords.pa.gov/RTKL/AdvisoryOpinions.cfm>.

Respectfully,



Liz Wagenseller
Executive Director