



October 14, 2021

The Honorable Tom Wolf
Governor
Commonwealth of Pennsylvania
225 Main Capitol Building
Harrisburg, PA 17120

Dear Governor Wolf:

Thank you for the opportunity to share the Pennsylvania Office of Open Records' ("OOR") 2022-23 fiscal year budget request. I am seeking your assistance and continued support in protecting the critical role the OOR plays in ensuring access to public documents, an integral part of maintaining transparent and open government.

When I became Executive Director nine months ago, I overhauled the organizational structure and finances of the office in order to hire two additional appeals officers. Despite those changes, the OOR is quickly approaching the point where it will be unable to effectively fulfill its duties under the Right-to-Know Law. Facing unprecedented demand for its services by an engaged public, the OOR's workload is unsustainable; many appeals officers are handling two to three times their normal case load, including some who are responsible for over 70 active appeals at one time.

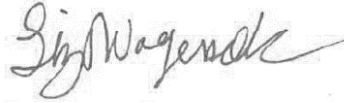
This fiscal year, the OOR is on track to decide a record-breaking 3,000 appeals, a 41 percent increase from five years ago. Without additional staff, it is likely the OOR will reach a point in 2022 where it will be unable to hear and decide all appeals within the legally mandated 30 calendar days, pushing them into an already overburdened judicial system and forcing requesters to obtain public records through a costlier and more daunting avenue. This will result in a substantial and largely avoidable waste of resources for citizens, agencies, and the court system.

Therefore, I am requesting a small increase of \$252,000 over the OOR's current budget, or \$3,551,000. Combined with savings garnered through a reduction in operational costs, this will put the OOR on a sustainable path by providing enough funds to hire two additional appeals officers. While I understand difficult budget decisions face the Commonwealth, few, if any, agencies can offer the same large return for such a small investment. A sufficiently funded OOR saves the resources of agencies in every branch and at every level of Pennsylvania government.

As the new leader of this agency, I am consistently impressed by the dedication, drive, and integrity of its 21 staff members. Always a supporter of transparency in government, I am developing a much deeper understanding and appreciation of how openness not only transforms government but also protects it from those who wish it harm. I know you share my dedication to leaving a legacy of government accountability as was demonstrated by your administration's commitment to assist the OOR in its recent time of transition.

Thank you for taking the time to consider the OOR's budget request. I look forward to working with you on any issues related to ensuring transparency in government.

Sincerely,

A handwritten signature in black ink, appearing to read "Liz Wagenseller". The signature is fluid and cursive, with a long horizontal stroke at the end.

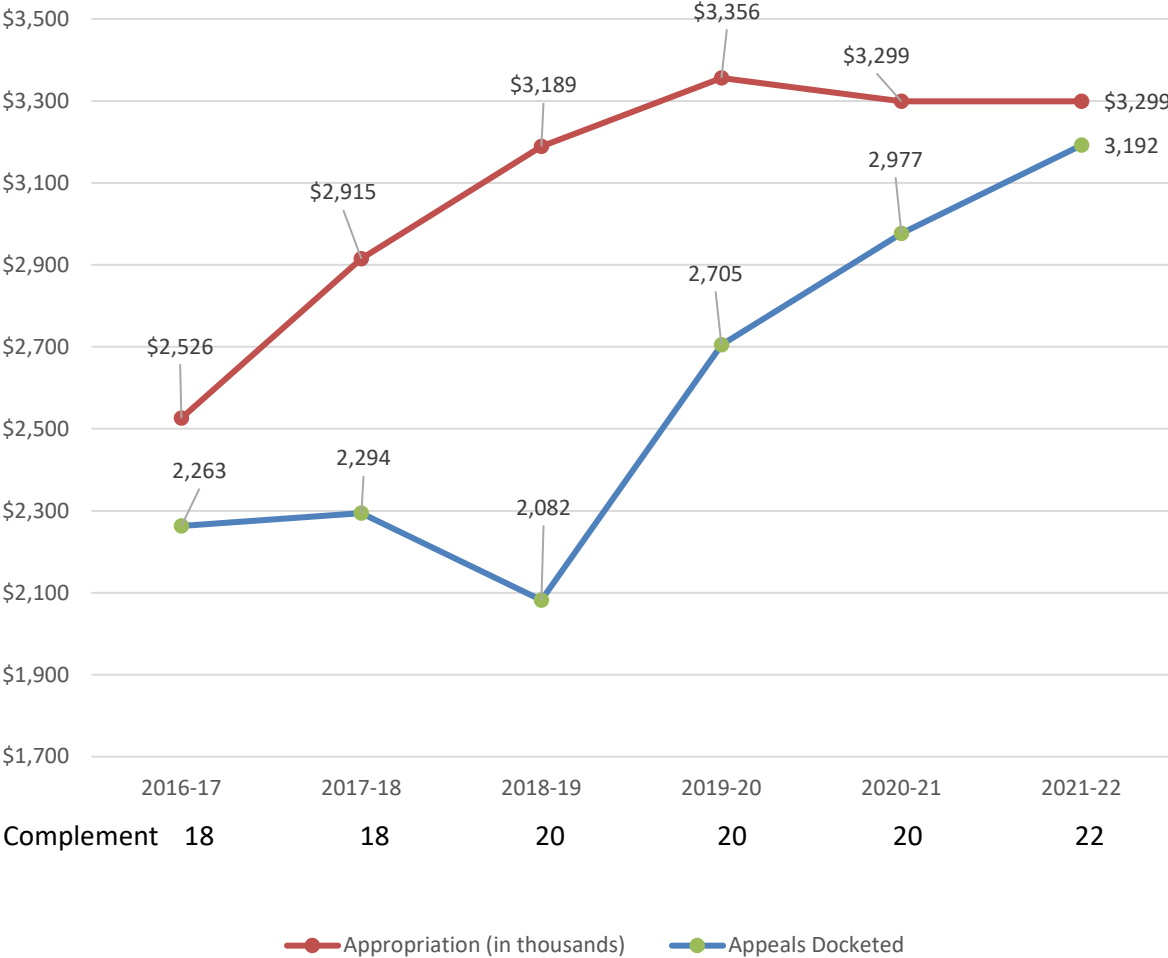
Liz Wagenseller
Executive Director

cc: Budget Secretary Gregory Thall
Chief of Staff Elena Cross

enc: Budget request documents

Office of Open Records

41% Growth In Appeals Over Five Years



**OFFICE OF OPEN RECORDS
10949**

\$ in Thousands

<u>Summary Financial Data</u>	2021-22 Actual	2021-22 Available	2022-23 Request	Change	Percent Change
State Funds (10949)	\$ 3,299	\$ 3,299	\$ 3,551	\$ 252	7.64%
<u>Detail by Major Object (Commitment Item)</u>					
<u>Budgetary Reserve (6000000)</u>					
State Funds	\$ -	\$ -	\$ -	\$ -	0.00%
<u>Personnel (6100000)</u>					
State Funds	\$ 2,884	\$ 2,931	\$ 3,183	\$ 252	8.60%
<u>Operating (6300000)</u>					
State Funds	\$ 415	\$ 368	\$ 368	\$ -	0.00%
Total Funds	\$ 3,299	\$ 3,299	\$ 3,551	\$ 252	7.64%
<u>Lapse History</u>	2018-19	2019-20	2020-21		
State Funds	\$ -	\$ -	\$ -		
<u>Complement Information</u>	December 31, 2020	December 31, 2021	FY2022-23 Request		
State Funded (10949)					
<i>Authorized</i>	20	22	24		
<i>Filled</i>	20	22	24		
Total	20	22	24		
Benefit Rate	63.2%				

The Pennsylvania Office of Open Records

The Office of Open Records (OOR) was created by Act 3 of 2008. The Pennsylvania Supreme Court has held that the OOR is a unique and *sui generis* independent body. The Commonwealth Court has held that the OOR is a quasi-judicial agency.

The legislative mandate of the OOR is to decide appeals under the Right-to-Know Law (RTKL) and to serve as a resource for citizens, public officials, and members of the media in obtaining public records of their government. Under the RTKL, the OOR is also required to provide training sessions covering the RTKL and the Sunshine Act, to establish a mediation program, to issue advisory opinions, to establish a website, to conduct a biannual review of fees charged under the RTKL, and to prepare an annual report for the Governor and the General Assembly.

The OOR's accomplishments in calendar year 2020 include the following:

- Received, docketed, and decided nearly 2,764 appeals.
- Participated in and monitored more than 250 cases in the Supreme Court, Commonwealth Court and Courts of Common Pleas.
- Responded to approximately 3,000 emails, telephone and letter inquiries from citizens, government officials and members of the media.
- Responded to more than 1,235 RTK requests directed to the OOR.
- Provided 70 training sessions, mostly virtual, attended by approximately 4,000 public officials, agency employees, and requesters.
- Released an updated Citizens' Guide to the Right-to-Know Law and the Sunshine Act
- Created a free email newsletter with notifications of court filings related to OOR appeals.
- Began collecting and posting RTK appeals posted by Pennsylvania District Attorneys.
- Created an RTKL case index to allow easy access to court cases related to the law.
- Provided continual guidance to managing RTK requests during the COVID19 pandemic, including guidance used by state agencies to comply with Act 77 of 2020.
- Produced an annual report.
- Conducted two surveys about the impact of the COVID-19 pandemic on the administration of the RTKL and Sunshine Act.
- Provided 91 mediations, to help resolve contentious disputes under the RTKL
- Conducted a virtual annual training session on the pandemic and RTKL with Office of General Counsel, Pennsylvania NewsMedia Association, Pennsylvania State Association of Township Supervisors

2022-23 Office Request

This FY22-23 request reflects the record-breaking workload facing the OOR, which is on track to decide an increase in appeals since last fiscal year, and a 41% increase in five years. Deciding appeals under the Right-to-Know Law (RTKL) is the OOR's primary responsibility, though there are many others which this request also takes into account, including the need to continue the OOR's statutorily-mandated mediation program to help resolve contentious disputes under the RTKL and its statutorily-mandated training programs to meet increased demand from both agencies and requesters.

This request, combined with operational savings, will provide the OOR with the resources necessary to increase our staff complement by two appeals officers, a critical step to help meet the many duties and responsibilities of the office.