



May 2, 2023

The Honorable Scott Martin
Chair, Senate Appropriations Committee
Senate of Pennsylvania
281 Main Capitol Building
Harrisburg, PA 17120

Dear Chairman Martin:

Thank you for the opportunity to share the Pennsylvania Office of Open Records' 2023-24 fiscal year budget request. In 2022, the OOR issued another record-breaking 3,034 final determinations and is on track to maintain that pace in 2023. The Governor's proposed budget increase for the OOR is vital to meet the sustained public demand to hold government agencies accountable through records' requests. This increase also allows the OOR adequately meet its statutory duties and demand for services; no increase to the OOR will risk losing staff and forcing citizens and their appeals to an already busy court system.

As the COVID pandemic-related appeals continue to abate, requests for records regarding other issues important to the public continue to accelerate. School districts experienced a 95 percent increase in appeals since 2020, with many recent requests related to educational content and policies. Counties continue to receive a large number of election-related requests and experienced a 77 percent increase in appeals since 2020. The OOR itself received a record-breaking 1,392 requests for records in 2022.

The OOR's most pressing challenge is maintaining the resources to meet the unrelenting public demand for records. With just 20 business days to make increasingly complicated legal decisions, the OOR can only function with an experienced, trained, and dedicated staff willing to work weekends and evenings. Last year's greatly appreciated appropriation increase was a lifesaver, allowing us to hire one additional attorney. A predicted dramatic increase in FY 23-24 "annuitant health insurance contributions", completely out of our control, prevented us from filling the second position that was approved in last year's budget.

Therefore, I am requesting that the OOR's budget be funded at the Governor's proposed \$3,870,000, a modest \$243,000 increase over our current budget. This will allow the OOR to maintain current operations and provide sufficient funding to fill the vacant position that is needed to meet our statutory duties and provide a critical tool for transparency and accountability across all levels of government in Pennsylvania.

Thank you for taking the time to consider the OOR's budget request.

Sincerely,

A handwritten signature in black ink that reads "Liz Wagenseller". The signature is fluid and cursive, written in a professional style.

Liz Wagenseller
Executive Director

cc: The Honorable Vincent Hughes, Democratic Chair, Senate Appropriations Committee
The Honorable Chris Dush, Chairman, State Government Committee

enc: Budget request documents

**OFFICE OF OPEN RECORDS (OOR)
10949**

	2020-21 Actual	2022-23 Available	2023-24 Governor's Proposed	Change	Percent Change
1 <u>Summary Financial Data</u>					
State Funds (10949)	\$ 3,299	\$ 3,627	\$ 3,870	\$ 243	6.70%
2 <u>Detail by Major Object (Commitment Item)</u>					
Personnel (6100000)					
State Funds	\$ 2,991	\$ 3,132	\$ 3,375	\$ 243	7.76%
Operating (6300000)					
State Funds	\$ 308	\$ 495	\$ 495	\$ -	0.00%
Total Funds	\$ 3,299	\$ 3,627	\$ 3,870	\$ 243	6.70%
3 <u>Lapse History</u>	2018-19	2019-20	2020-21		
State Funds	\$ -	\$ -	\$ -		
4 <u>Complement Information</u>	December 31, 2021	December 31, 2022	FY2022-23 Request		
State Funded (10949)					
<i>Authorized</i>	22	24	24		
<i>Filled</i>	22	23	24		
Total	22	24	24		
Benefit Rate	62.2%	62.6%	62.4%		

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 2022 include the following:

- Received and docketed 2,876 appeals.
- Decided 3,034 appeals.
- Responded to 1,344 Right-to-Know Law requests directed to the OOR.
- Participated in or monitored more than 350 cases in the Supreme Court, Commonwealth Court and Courts of Common Pleas.
- Provided 67 training sessions, mostly virtual, attended by approximately 3,000 public officials, lawmakers, judges, agency employees, solicitors, and requesters.
- Conducted a survey of Agency Open Records Officers (AORO) of RTKL requests they received in 2020 and 2021 which found AOROs estimate they spent an additional two hours a week on RTKL requests.
- Launched the OOR E-File Appeal Portal, a system to process all OOR RTKL appeals, in a three phase process that began with agencies under the Governor's jurisdiction, then expanded to every third appeal, with a goal of the Phase 3 full rollout beginning by Spring 2023.
- Conducted a bi-annual fee review of the RTKL Fee Schedule.

2023-24 Office Request

This FY22-23 request will allow the OOR to maintain current operations and provide sufficient funding to fill the vacant position that is needed to meet our statutory duties and provide a critical tool for transparency and accountability across all levels of government in Pennsylvania.

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.