

STATEMENTS OF POLICY

LEGISLATIVE REFERENCE BUREAU

[101 PA. CODE CH. 31]

Right-to-Know Law; Proposed Amendments

The Legislative Reference Bureau (Bureau) proposes to amend § 31.23(d) (relating to parties) to read as set forth in Annex A. The purpose of this proposed statement of policy is to provide discretion on holding hearings on appeals. Under current § 31.23(d), a hearing is mandated if an appeal involves a deemed denial, willful misconduct or a frivolous request, or if the appeals officer determines that there is good cause for a hearing. This proposed statement of policy is designed to increase efficiency. The good cause determination subsumes the issues raised by deemed denials, willful misconduct and frivolous requests.

Comments on this proposed statement of policy may be sent to the Open-Records Officer, Legislative Reference Bureau, Room 641, Main Capitol Building, 501 North Third Street, Harrisburg PA 17120-0033, fax (717) 783-2396, lrbrighttoknow@palrb.net. The Bureau will consider comments it receives prior to November 7, 2015.

VINCENT C. DeLIBERATO, Jr.,
Director

Annex A

TITLE 101. GENERAL ASSEMBLY

PART I. LEGISLATIVE REFERENCE BUREAU

Subpart E. STATEMENTS OF POLICY

CHAPTER 31. RIGHT-TO-KNOW LAW

Subchapter C. APPELLATE PROCEDURE

§ 31.23. Parties.

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(d) *Hearing.*

(1) A hearing will be held on an appeal [**only if any of the following apply:**] **if the appeals officer determines that there is good cause for a hearing.**

[(i) **The appeal is of a deemed denial under section 901 of the law.**

(ii) **The requester alleges willful misconduct under section 1304(a)(1) of the law (65 P. S. § 67.1304(a)(1)).**

(iii) **In the denial, the open-records officer rules that the request is frivolous under section 1304(b) of the law.**

(iv) **The appeals officer determines that there is good cause for a hearing.]**

(2) Under section 1102(b)(2) of the law, a hearing is subject to 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

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