

**BOARD OF COMMISSIONERS OF INDIANA COUNTY**  
**INDIANA COUNTY, PENNSYLVANIA**  
**RESOLUTION NO. 2009-0114**

(Duly adopted January 14, 2009)

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF INDIANA COUNTY  
("COMMISSIONERS") ESTABLISHING A POLICY REGARDING REQUESTS FOR  
PUBLIC RECORDS PURSUANT TO THE RIGHT-TO-KNOW LAW; AND  
CONTAINING CLAUSES FOR SEVERABILITY, REPEAL, AND EFFECTIVE  
DATE.

**WHEREAS**, requests for public records and the copying thereof has been governed by the Act of June 21, 1957, P.L. 390, No. 212, as amended on June 17, 1971, P.L. 190, No.9; and the Act of June 29, 2002, Act No. 2002-100, commonly known as the "Right-to-Know Law", (65 Pa.C.S.A. § 67.101, et seq).

**WHEREAS**, the Right-to-Know Law was again amended by Act 3 of 2008 (SB 1, PN 1763, signed February 14, 2008); and

**WHEREAS**, the Right-to-Know law requires that local agencies, which includes the County of Indiana, establish a policy that, amongst other things, appoints an Open Records Officer and sets forth procedures for the receipt and response of requests for public records;

**NOW, THEREFORE, BE IT ADOPTED AND RESOLVED**, by the Board of Commissioners of Indiana County, and it is hereby RESOLVED as follows:

**SECTION 1. Definitions (Chapter 1 of Act).** The following terms when used in this Resolution shall have the meanings set forth in this section and the Right-to-Know Law, unless the context clearly indicates otherwise:

"Act" shall mean the Pennsylvania Right to Know Law, as amended by Act 3 of 2008 (SB 1, PN 1763, signed February 14, 2008).

"County" shall mean Indiana County, Pennsylvania, organized and existing under the County Code, 16 P.S. §§ 101, et seq.

"County Department" shall mean: any department or County Office of the County of Indiana, Pennsylvania.

"County Office" shall mean: any office of the legislative or executive branch of the County no matter where physically located or whether headed by an appointed or elected official.

“Business Day” shall mean: any day other than a Saturday, Sunday, holiday or other day when the County Courthouse is not open for business.

“Financial Record” shall mean: Any of the following:

- (1) Any account, voucher or contract dealing with:
  - A. The receipt or disbursement of funds by the County; or
  - B. The County’s acquisition, use or disposal of services, supplies, materials, equipment or property.
- (2) The salary or other payments or expenses paid to an officer or employee of the county, including the name and title of the officer or employee.
- (3) A financial audit report. The term does not include work papers underlying an audit.

“Open Records Officer” shall mean: The Chief Clerk of the County, whose mailing address is Chief Clerk, Commissioners Office, Indiana County Courthouse, 825 Philadelphia Street, Indiana, PA 15701.

“Person” shall mean: an individual and any other legal entity determined by final order of a court having jurisdiction over the County to be a person under the Right-to-Know Law.

“Privilege” shall mean: the attorney-work product doctrine, the attorney-client privilege, the doctor-patient privilege, the speech and debate privilege or other privilege by a court interpreting the laws of the Commonwealth of PA.

“Public Record” shall mean: A Record, including a Financial Record, of the County that:

- (1) is not exempt under section 708 of the Right-to-Know Law;
- (2) is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree;
- (3) is not protected by a privilege.

“Record” shall mean: Information, regardless of physical form or characteristics, that documents a transaction or activity of the County and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the County. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and a data-processed or image-processed document.

“Requester” shall mean: a person that is a legal resident of the United States and requests a record pursuant to this resolution and the Right-to-Know Law.

“Response” shall mean: access to a record or the County’s written notice to a requester granting, denying or partially granting and partially denying access to a record.

"Right-to-Know Law" shall mean Act 3 of 2008 (S 1, PN 1763, signed February 14, 2008).

**SECTION 2. Requests for Access to Public Records (Chapter 7 of Act)**

A. General Rule: Unless otherwise provided by law, a public record shall be accessible for inspection and duplication in accordance with this resolution. A public record shall be provided to a requester in the medium requested if the public record exists in that medium; otherwise, it shall be provided in the medium in which it exists. Public records shall be available for access during the regular business hours of the County Courthouse. Nothing in this Resolution shall provide for access to any computer either of the County or an individual of the County.

B. Requests:

1. Verbal Requests. The County may, but is not required to, fulfill verbal requests for public records. In the event that the requester wishes to pursue the relief and remedies provided for in the Right-to-Know Law, the requester must submit a written request for a public record.

2. Written Requests. A written request for access to public records may be submitted by a Requester in person, via mail, facsimile or email.

a. Written requests shall be directed to the Open Records Officer, as follows:

- i. U.S. Mail: Ms. Robin Maryai, Chief Clerk, Commissioners Office, Indiana County Courthouse, 825 Philadelphia Street, Indiana, PA 15701;
- ii. Facsimile: Robin Maryai, Chief Clerk at 724.465.3953; or
- iii. Email: rmaryai@indianacountypa.gov

b. Each written request must identify or describe the records sought with sufficient specificity to enable the Open Records Officer to ascertain which records are being requested. Each request shall include the name and address to which the Open Records Officer should address her response. A written request need not include an explanation of the requester's reason for requesting or intended use of the records. A model Right-to-Know request form is attached hereto and incorporated herein as *Schedule "A"*.

**SECTION 3. Responses to Requests for Public Records (Chapters 7 & 9 of Act)**

**A. General Rules:**

1. Creation of a Public Record. When responding to a request for access, the County shall not be required to create a public record which does not currently exist, or to compile, maintain, format or organize a public record in a manner in which it does not currently compile, maintain, format or organize the public record.

2. Conversion of an Electronic Record to Paper. If a public record is only maintained electronically or in other non-paper media, the Open Records Officer shall, upon request, duplicate the public record on paper when responding to a request for access in accordance with this resolution.

3. Disruptive Requests. The Open Records Officer may deny a requester access to a record if the requester has made repeated requests for that same record and the repeated requests have placed an unreasonable burden on the County.

4. Redaction. If the Open Records Officer determines that a public record contains information which is subject to access as well as information which is not subject to access, the Open Records Officer's response shall grant access to the information which is subject to access and deny access to the information which is not subject to access. If the information which is not subject to access is an integral part of the public record and cannot be separated, the Open Records Officer shall redact from the public record the information which is subject to access, and the response shall grant access to information which is subject to access. The Open Records Officer may not deny access to the public record if the information which is not subject to access is able to be redacted. Information which the Open Records Officer redacts in accordance with this subsection shall be deemed a denial under Section 901, *et. seq.*, of the Right-to-Know Law.

5. Production of Records of Third Party. If, in response to a request, the County produces a record that is not a public record, the County shall notify any third party that provided the record to the County, the person that is the subject of the record and the requester. With respect to Trade Secrets, section 707(b) of the Right-to-Know Law shall apply.

**B. Open Records Officer (Chapter 5 of Act).** The Chief Clerk of the County is hereby appointed the County Open Records Officer. The Open Records Officer's duties are as follows:

1. Receive written requests submitted to any County Department or County Office;
  - a. Note the date of receipt on the written request;
  - b. Compute the day on which the five-day period under section 901 of the Right-to-Know law will expire and make a notation of that date on the written request;
  - c. Maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been fulfilled
2. Determine whether the request seeks access to a Public Record;
  - a. If the request is denied, the written request shall be maintained for 30 days or, if an appeal is filed, until a final determination is issued under section 1101(b) of the Right-to-Know Law or the appeal is denied.
3. Forward the request to the appropriate County Department or County Office for production of the information to satisfy the request.
4. Track the progress of the request; and
5. Provide any interim and final Response to the Requester within the requisite timeframes.

C. Procedure: Upon receipt of a request for access to a record, the Open Records Officer shall make a good faith effort to determine if the records requested is a Public Record and whether the County has possession, custody or control of the identified record, and to respond as promptly as possible under the circumstances existing at the time of the request. All applicable fees shall be paid in order to receive access to the record requested.

1. Presumption: A Record in the possession of the County shall be presumed to be a Public Record. This presumption shall not apply if:

- a. The record is exempt under section 708 of the Right-to-Know Law (See *Exhibit "B"* attached hereto and incorporated herein);
- b. The record is protected by a privilege; or
- c. The record is exempt from disclosure under any other Federal or State law or regulation or judicial order or decree.

2. Timeframe: The Response shall not exceed five (5) business days from the date the written request is received by the Open Records Officer. If the Open Records Officer fails to send the response within five (5) business days of receipt of the written request for access, the written request for access shall be deemed denied. The written request shall be maintained for thirty (30) days, or if an appeal is filed, until a final determination is issued under section 1101 (b) or the appeal is deemed denied.

3. Extension of Time: Upon receipt of a written request for access, if the Open Records Officer determines that one of the following applies:



- a. the request for access requires redaction of a record in accordance with this resolution;
- b. the request for access requires the retrieval of a record stored in a remote location;
- c. a timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations;
- d. a legal review is necessary to determine whether the record is a record subject to access under this act;
- e. the requester has not complied with the agency's policies regarding access to records;
- f. the requester refuses to pay applicable fees authorized by this act; or
- g. the extent or nature of the request precludes a response within the required time period,

then the Open Records Officer shall send written notice to the requester within five (5) business days of receipt of the request notifying the requester that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided and an estimate of applicable fees owed when the record becomes available.

If the date that a response is expected to be provided is in excess of thirty (30) days, following the five (5) business days allowed under this subsection, the request for access shall be deemed denied, unless the requester has agreed in writing to an extension to the date specified in the notice.

If the Requester agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice if the County has not provided a response by that date.

4. Denials. If the Open Records Officer's response is a denial of a written request for access, whether in whole or in part, a written response shall be issued and include:

- (1) A description of the record requested;
- (2) The specific reason(s) for the denial, including a citation of supporting legal authority;
- (3) The typed or printed name, title, business address, business telephone number and signature of the Open Records Officer on whose authority the denial is issued;
- (4) Date of the response; and
- (5) The procedure to appeal the denial of access under the Right-to-Know Law

5. Certified Copies. If the Open Records Officer's response grants a request for access, they shall, upon request, provide the requester with a certified copy of the public record if the requester pays the required fees

6. Record Discard. If the County response to a requester states that copies of the requested records are available for delivery at the County and the requester fails to retrieve the records within 60 days of the County's response, the County may dispose of any copies which have not been retrieved and retain any fees paid to date.

#### **SECTION 4. Appeal of County Determination (Chapter 11 and 13 of Act)**

1. Filing of an Appeal. If a written request for access to criminal investigative records in possession of the County or a local agency of the County, is denied or deemed denied, the Requester may file an appeal with the Appeals officer as designated by the Indiana County District Attorney within 15 business days of the mailing date of the Open Records Officer's response or within 15 business days of a deemed denial. In all other instances, if a written request for records, is denied or deemed denied, the Requester may file an appeal with the Office of Open Records within 15 business days of the mailing date of the Open Records Officer's response or within 15 business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts that the record is a public record and shall address any grounds stated by the County for delaying or denying the request. The Office of Open Records shall assign an appeals officer to review the denial.

a. Determination. Unless the requester agrees otherwise, the appeals officer shall make a final determination which shall be mailed to the requester and the County within 30 days of receipt of the filed appeal. If the appeals officer fails to issue a final determination within 30 days, the appeal is deemed denied. Prior to issuing a final determination, a hearing may be conducted. The determination by the appeals officer shall be a final order. The appeals officer shall provide a written explanation of the reason for the decision to the requester and the County.

b. Direct Interest by Third Party. A party other than the County or requester with a direct interest in the record subject to an appeal under this section may, within 15 days following receipt of actual knowledge of the appeal but no later than the date the appeals officer issues an order, file a written request to provide information or to appear before the appeals officer or to file information in support of the requester's or agency's position.

2. Filing of Appeal with Court of Common Pleas. Within 30 days of the mailing date of the final determination of the appeals officer relating to a decision of the County issued under section 1101(b) of the Act or of the date a

request for access is deemed denied, a requester or the County may file a petition for review or other document as required by rule of court with the Court of Common Pleas of Indiana County. The decision of the court shall contain findings of fact and conclusions of law based upon the evidence as a whole. The decision shall clearly and concisely explain the rationale for the decision.

a. Stay. A petition for review under this section shall stay the release of documents until a decision under this subsection is issued.

b. Reversal of County Determination. If a court reverses the final determination of the appeals officer or grants access to a record after a request for access was deemed denied, the court may award reasonable attorney fees and costs of litigation or an appropriate portion thereof to a requester.

3. All other remaining provisions of the Act, including but not limited to the civil penalty and immunity provisions shall apply to the County and its agents.

## **SECTION 5. Fees.**

### **A Fees:**

1. Postage. Fees for postage shall be the actual cost of mailing.
2. Photocopying. Fee for photocopying shall be equal twenty-five cents (\$.25) per page. A "photocopy" is either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5" x 11" page.
3. Certification of a Record: \$5.00 per record, not per page. Certification fees do not include notarization fees.
4. Facsimile/Microfiche/Other Media Fees: Fees shall be actual cost to production.
5. Specialized documents: Fees shall be actual cost of production. Examples of specialized documents, include but are not limited to, blue prints, color copies, non-standard sized documents.
6. Conversion to Paper. If a record is only maintained electronically or in other non-paper media, duplication fees shall be limited to the lesser of the fee for duplication on paper or the fee for duplication in the original media unless the requester specifically requests for the record to be duplicated in the more expensive medium (Sec. 1307(e)).
7. Redaction Fee: No redaction fee may be imposed. However, a charge may be imposed for copies the County must make of the redacted material in order for the requester to view the public record. The fee structure outlined herein shall apply. If, after inspecting the records, the requester chooses to obtain the copies, no additional fee may be charged.



B. Limitation on Fees. **Except as otherwise provided by statute, no other fees may be imposed** unless the County necessarily incurs costs for complying with the request, and such fees must be reasonable. No fee may be imposed for review of a record to determine whether the record is a public record. No fee may be charged for searching for or retrieval of documents. The County may not charge staff time or salary for complying with the request.

C. Waiver of Fees: The Open Records Officer may waive the fees for duplication of a public record, when, including but not limited to, the requester duplicates the public record or the Open Records Officer deems that it is in the best interest of the public to do so.

D. Prepayment. Prior to granting a request for access in accordance with the Right-to-Know Law and this Resolution, a requester shall prepay an estimate of the fees authorized under this section if the fees required to fulfill the request are expected to exceed one hundred dollars (\$100.00).

E. Enhanced Electronic Access : If the County offers enhanced electronic access to records in addition to making the records accessible for inspection and duplication by a requester, the County may establish user fees specifically for the provision of the enhanced electronic access, but only to the extent that the enhanced electronic access is in addition to making the records accessible for inspection and duplication by a requester as required by the Act. The user fees for enhanced electronic access may be a flat rate, a subscription fee for a period of time, a per-transaction fee, a fee based on the cumulative time of system access or any other reasonable method and any combination thereof. **The user fees for enhanced electronic access must be reasonable, must be pre-approved by the Office of Open Records and shall not be established with the intent or effect of excluding persons from access to records or duplicates thereof or of creating profit for the agency.** Please submit any request to the: Office of Open Records, 400 North Street, Harrisburg , PA. 17120.

**SECTION 6. Posting.** A copy of this Resolution shall be posted on the County's website and conspicuously posted at the Commissioners' offices.

**SECTION 7. Headings.** The headings of sections and parts thereof are for convenience only and shall not affect the construction hereof.

**SECTION 8. Severability.** Should any section, paragraph or provision of this Resolution be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of this Resolution as a whole or any part or provision thereof, other than the part so declared to be invalid or unconstitutional.

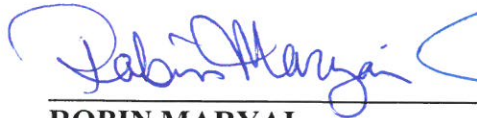
**SECTION 9. Repealer.** This Resolution shall supersede and repeal all resolutions and parts thereof inconsistent or conflicting herewith.

**SECTION 10. Effective Date.** This Resolution shall become effective upon adoption.

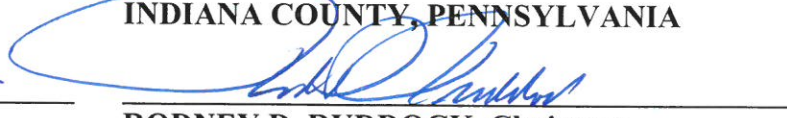
DULY RESOLVED, this 14th day of January, 2009, by the Board of Commissioners, Indiana County, Pennsylvania, in lawful session duly assembled,

ATTEST

**BOARD OF COMMISSIONERS  
INDIANA COUNTY, PENNSYLVANIA**



**ROBIN MARYAI  
CHIEF CLERK**



**RODNEY D. RUDDOCK, Chairman**



**DAVID S. FRICK, Commissioner**



**PATRICIA A. EVANKO, Commissioner**

"Schedule A"

**STANDARD RIGHT-TO-KNOW REQUEST FORM**

DATE REQUESTED: \_\_\_\_\_

REQUEST SUBMITTED BY: ☐ E-MAIL ☐ U.S. MAIL ☐ FAX ☐ IN-PERSON

REQUEST SUBMITTED TO (Agency name & address): \_\_\_\_\_

NAME OF REQUESTER : \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

CITY/STATE/COUNTY/ZIP(Required): \_\_\_\_\_

TELEPHONE (Optional): \_\_\_\_\_ EMAIL (optional): \_\_\_\_\_

RECORDS REQUESTED: *\*Provide as much specific detail as possible so the agency can identify the information.  
Please use additional sheets if necessary*

DO YOU WANT COPIES? ☐ YES ☐ NO

DO YOU WANT TO INSPECT THE RECORDS? ☐ YES ☐ NO

DO YOU WANT CERTIFIED COPIES OF RECORDS? ☐ YES ☐ NO

DO YOU WANT TO BE NOTIFIED IN ADVANCE IF THE COST EXCEEDS \$100? ☐ YES ☐ NO

**\*\* PLEASE NOTE: RETAIN A COPY OF THIS REQUEST FOR YOUR FILES \*\***  
**\*\* IT IS A REQUIRED DOCUMENT IF YOU WOULD NEED TO FILE AN APPEAL \*\***

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**FOR AGENCY USE ONLY**

OPEN-RECORDS OFFICER:

☐ I have provided notice to appropriate third parties and given them an opportunity to object to this request

DATE RECEIVED BY THE AGENCY:

AGENCY FIVE (5) BUSINESS DAY RESPONSE DUE:

*\*\*Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)*

## **SCHEDULE "B"**

### **EXEMPT FROM PUBLIC RECORDS**

#### **65. Pa.C.S.A. §67.708**

Except as provided in subsections (c) and (d), the following are exempt from access by a requester under this act:

(1) A record, the disclosure of which:

(i) would result in the loss of Federal or State funds by an agency or the Commonwealth; or

(ii) would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual.

(2) A record maintained by an agency in connection with the military, homeland security, national defense, law enforcement or other public safety activity that, if disclosed, would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection activity or a record that is designated classified by an appropriate Federal or State military authority.

(3) A record, the disclosure of which creates a reasonable likelihood of endangering the safety or the physical security of a building, public utility, resource, infrastructure, facility or information storage system, which may include:

(i) documents or data relating to computer hardware, source files, software and system networks that could jeopardize computer security by exposing a vulnerability in preventing, protecting against, mitigating or responding to a terrorist act;

(ii) lists of infrastructure, resources and significant special events, including those defined by the Federal Government in the National Infrastructure Protections, which are deemed critical due to their nature and which result from risk analysis; threat assessments; consequences assessments; antiterrorism protective measures and plans; counterterrorism measures and plans; and security and response needs assessments; and

(iii) building plans or infrastructure records that expose or create vulnerability through disclosure of the location, configuration or security of critical systems, including public utility systems, structural elements, technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage and gas systems.

(4) A record regarding computer hardware, software and networks, including administrative or technical records, which, if disclosed, would be reasonably likely to jeopardize computer security.

(5) A record of an individual's medical, psychiatric or psychological history or disability status, including an evaluation, consultation, prescription, diagnosis or treatment; results of tests, including drug tests; enrollment in a health care program or program designed

for participation by persons with disabilities, including vocation rehabilitation, workers' compensation and unemployment compensation; or related information that would disclose individually identifiable health information.

(6) (i) The following personal identification information:

(A) A record containing all or part of a person's Social Security number, driver's license number, personal financial information, home, cellular or personal telephone numbers, personal e-mail addresses, employee number or other confidential personal identification number.

(B) A spouse's name, marital status or beneficiary or dependent information.

(C) The home address of a law enforcement officer or judge.

(ii) Nothing in this paragraph shall preclude the release of the name, position, salary, actual compensation or other payments or expenses, employment contract, employment-related contract or agreement and length of service of a public official or an agency employee.

(iii) An agency may redact the name or other identifying information relating to an individual performing an undercover or covert law enforcement activity from a record.

(7) The following records relating to an agency employee:

(i) A letter of reference or recommendation pertaining to the character or qualifications of an identifiable individual, unless it was prepared in relation to the appointment of an individual to fill a vacancy in an elected office or an appointed office requiring Senate confirmation.

(ii) A performance rating or review.

(iii) The result of a civil service or similar test administered by a Commonwealth agency, legislative agency or judicial agency. The result of a civil service or similar test administered by a local agency shall not be disclosed if restricted by a collective bargaining agreement. Only test scores of individuals who obtained a passing score on a test administered by a local agency may be disclosed.

(iv) The employment application of an individual who is not hired by the agency.

(v) Workplace support services program information.

(vi) Written criticisms of an employee.

(vii) Grievance material, including documents related to discrimination or sexual harassment.



(viii) Information regarding discipline, demotion or discharge contained in a personnel file. This subparagraph shall not apply to the final action of an agency that results in demotion or discharge.

(ix) An academic transcript.

(8) (i) A record pertaining to strategy or negotiations relating to labor relations or collective bargaining and related arbitration proceedings. This subparagraph shall not apply to a final or executed contract or agreement between the parties in a collective bargaining procedure.

(ii) In the case of the arbitration of a dispute or grievance under a collective bargaining agreement, an exhibit entered into evidence at an arbitration proceeding, a transcript of the arbitration or the opinion. This subparagraph shall not apply to the final award or order of the arbitrator in a dispute or grievance procedure.

(9) The draft of a bill, resolution, regulation, statement of policy, management directive, ordinance or amendment thereto prepared by or for an agency.

(10) (i) A record that reflects:

(A) The internal, predecisional deliberations of an agency, its members, employees or officials or predecisional deliberations between agency members, employees or officials and members, employees or officials of another agency, including predecisional deliberations relating to a budget recommendation, legislative proposal, legislative amendment, contemplated or proposed policy or course of action or any research, memos or other documents used in the predecisional deliberations.

(B) The strategy to be used to develop or achieve the successful adoption of a budget, legislative proposal or regulation.

(ii) Subparagraph (i)(A) shall apply to agencies subject to 65 Pa.C.S. Ch. 7 (relating to open meetings) in a manner consistent with 65 Pa.C.S. Ch. 7. A record which is not otherwise exempt from access under this act and which is presented to a quorum for deliberation in accordance with 65 Pa.C.S. Ch. 7 shall be a public record.

(iii) This paragraph shall not apply to a written or Internet application or other document that has been submitted to request Commonwealth funds.

(iv) This paragraph shall not apply to the results of public opinion surveys, polls, focus groups, marketing research or similar effort designed to measure public opinion.

(11) A record that constitutes or reveals a trade secret or confidential proprietary information.

(12) Notes and working papers prepared by or for a public official or agency employee used solely for that official's or employee's own personal use, including telephone message slips, routing slips and other materials that do not have an official purpose.

(13) Records that would disclose the identity of an individual who lawfully makes a donation to an agency unless the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public official or employee of the agency, including lists of potential donors compiled by an agency to pursue donations, donor profile information or personal identifying information relating to a donor.

(14) Unpublished lecture notes, unpublished manuscripts, unpublished articles, creative works in progress, research-related material and scholarly correspondence of a community college or an institution of the State System of Higher Education or a faculty member, staff employee, guest speaker or student thereof.

(15) (i) Academic transcripts.

(ii) Examinations, examination questions, scoring keys or answers to examinations. This subparagraph shall include licensing and other examinations relating to the qualifications of an individual and to examinations given in primary and secondary schools and institutions of higher education.

(16) A record of an agency relating to or resulting in a criminal investigation, including:

(i) Complaints of potential criminal conduct other than a private criminal complaint.

(ii) Investigative materials, notes, correspondence, videos and reports.

(iii) A record that includes the identity of a confidential source or the identity of a suspect who has not been charged with an offense to whom confidentiality has been promised.

(iv) A record that includes information made confidential by law or court order.

(v) Victim information, including any information that would jeopardize the safety of the victim.

(vi) A record that, if disclosed, would do any of the following:

(A) Reveal the institution, progress or result of a criminal investigation, except the filing of criminal charges.

(B) Deprive a person of the right to a fair trial or an impartial adjudication.

(C) Impair the ability to locate a defendant or codefendant.

(D) Hinder an agency's ability to secure an arrest, prosecution or conviction.

(E) Endanger the life or physical safety of an individual.

This paragraph shall not apply to information contained in a police blotter as defined in 18 Pa.C.S. § 9102 (relating to definitions) and utilized or maintained by the Pennsylvania State Police, local, campus, transit or port authority police department or other law enforcement agency or in a traffic report except as provided under 75 Pa.C.S. § 3754(b) (relating to accident prevention investigations).

(17) A record of an agency relating to a noncriminal investigation, including:

(i) Complaints submitted to an agency.

(ii) Investigative materials, notes, correspondence and reports.

(iii) A record that includes the identity of a confidential source, including individuals subject to the act of December 12, 1986 (P.L. 1559, No. 169), known as the Whistleblower Law.

(iv) A record that includes information made confidential by law.

(v) Work papers underlying an audit.

(vi) A record that, if disclosed, would do any of the following:

(A) Reveal the institution, progress or result of an agency investigation, except the imposition of a fine or civil penalty, the suspension, modification or revocation of a license, permit, registration, certification or similar authorization issued by an agency or an executed settlement agreement unless the agreement is determined to be confidential by a court.

(B) Deprive a person of the right to an impartial adjudication.

(C) Constitute an unwarranted invasion of privacy.

(D) Hinder an agency's ability to secure an administrative or civil sanction.

(E) Endanger the life or physical safety of an individual.

(18) (i) Records or parts of records, except time response logs, pertaining to audio recordings, telephone or radio transmissions received by emergency dispatch personnel, including 911 recordings.

(ii) This paragraph shall not apply to a 911 recording, or a transcript of a 911 recording, if the agency or a court determines that the public interest in disclosure outweighs the interest in nondisclosure.

(19) DNA and RNA records.

(20) An autopsy record of a coroner or medical examiner and any audiotape of a postmortem examination or autopsy, or a copy, reproduction or facsimile of an autopsy

report, a photograph, negative or print, including a photograph or videotape of the body or any portion of the body of a deceased person at the scene of death or in the course of a postmortem examination or autopsy taken or made by or caused to be taken or made by the coroner or medical examiner. This exception shall not limit the reporting of the name of the deceased individual and the cause and manner of death.

(21) (i) Draft minutes of any meeting of an agency until the next regularly scheduled meeting of the agency.

(ii) Minutes of an executive session and any record of discussions held in executive session.

(22) (i) The contents of real estate appraisals, engineering or feasibility estimates, environmental reviews, audits or evaluations made for or by an agency relative to the following:

(A) The leasing, acquiring or disposing of real property or an interest in real property.

(B) The purchase of public supplies or equipment included in the real estate transaction.

(C) Construction projects.

(ii) This paragraph shall not apply once the decision is made to proceed with the lease, acquisition or disposal of real property or an interest in real property or the purchase of public supply or construction project.

(23) Library and archive circulation and order records of an identifiable individual or groups of individuals.

(24) Library archived and museum materials, or valuable or rare book collections or documents contributed by gift, grant, bequest or devise, to the extent of any limitations imposed by the donor as a condition of the contribution.

(25) A record identifying the location of an archeological site or an endangered or threatened plant or animal species if not already known to the general public.

(26) A proposal pertaining to agency procurement or disposal of supplies, services or construction prior to the award of the contract or prior to the opening and rejection of all bids; financial information of a bidder or offeror requested in an invitation for bid or request for proposals to demonstrate the bidder's or offeror's economic capability; or the identity of members, notes and other records of agency proposal evaluation committees established under 62 Pa.C.S. § 513 (relating to competitive sealed proposals).

(27) A record or information relating to a communication between an agency and its insurance carrier, administrative service organization or risk management office. This paragraph shall not apply to a contract with an insurance carrier, administrative service

organization or risk management office or to financial records relating to the provision of insurance.

(28) A record or information:

(i) identifying an individual who applies for or receives social services; or

(ii) relating to the following:

(A) the type of social services received by an individual;

(B) an individual's application to receive social services, including a record or information related to an agency decision to grant, deny, reduce or restrict benefits, including a quasi-judicial decision of the agency and the identity of a caregiver or others who provide services to the individual; or

(C) eligibility to receive social services, including the individual's income, assets, physical or mental health, age, disability, family circumstances or record of abuse.

(29) Correspondence between a person and a member of the General Assembly and records accompanying the correspondence which would identify a person that requests assistance or constituent services. This paragraph shall not apply to correspondence between a member of the General Assembly and a principal or lobbyist under 65 Pa.C.S. Ch. 13A (relating to lobbying disclosure).

(30) A record identifying the name, home address or date of birth of a child 17 years of age or younger.

**Financial records.**--The exceptions set forth above shall not apply to financial records, except that an agency may redact that portion of a financial record protected under subsection (1), (2), (3), (4), (5), (6), (16) or (17). An agency shall not disclose the identity of an individual performing an undercover or covert law enforcement activity.

**Aggregated data.**--The exceptions set forth above shall not apply to aggregated data maintained or received by an agency, except for data protected under section (1), (2), (3), (4) or (5) as set forth above.