

*LHU Open Records Addendum  
Definitions and Exceptions*

1. Definitions
  - a. "Record" under the new Right-to-Know Law:
    - i. Record – Information, regardless of physical form or characteristics, that documents a transaction or activity of an agency and that is created received or retained pursuant to law or in connection with a transaction, business or activity of the agency. 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.
  - b. Agency
    - i. Agency refers to Lock Haven University.
  - c. Public Record
    - i. It is a public record, unless it is:
      1. A record, including a financial record, of Lock Haven University of PA;
      2. Exempt under section §708 (outlined in 12 below;)
      3. Exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or
      4. It is protected by a privilege (attorney-work product doctrine, attorney-client privilege, speech and debate privilege or any other privilege recognized by a court interpreting the laws of the Commonwealth.)
2. Exceptions. The burden of proving that a record is exempt from public access is on Lock Haven University §708(a) except:
  - a. If the disclosure would result in the loss of state or federal funds §708(b)(1)(ii);
  - b. The record places military, homeland security or public safety in jeopardy §708(b)(2);
  - c. A record, the disclosure of which creates a reasonable likelihood of endangering the safety of a public building, public utility or other infrastructure resource §708(b)(3-4);
  - d. A record of an individual's medical history or disability, worker's compensation information §708(b)(5);
  - e. A record containing all or part of a social security number, driver's license number, personal financial information, home and cellular telephone numbers, personal e-mail addresses, employee number or other confidential ID number §708(b)(6)(i)(a);
  - f. A spouse's name, marital status, beneficiary or dependent information § 708(b)(6)(i)(b);

- g. A letter of reference for non-elective or appointed position requiring senate confirmation §708(b)(6)(i);
- h. A performance rating or review §708(b)(6)(ii);
- i. The results of civil service tests shall not be disclosed if restricted by CBA. Only test scores that of individuals who were passing may be disclosed §708(b)(6)(iii);
- j. §708(b)(7) Relates to Agency employees;
- k. The employment application of a person not hired by Lock Haven University of PA §708(b)(7)(iv);
- l. Workplace support services program information §708(b)(7)(v);
- m. Written criticisms of an employee §708(b)(7)(vi);
- n. Grievance material including documents relating to discrimination and sexual harassment §708(b)(7)(vii);
- o. Information regarding discipline, demotion or discharge contained in a personnel file. This does not apply to final action by Lock Haven University that results in demotion or discharge §708(b)(7)(viii);
- p. An academic transcript §708(b)(7)(ix);
- q. Strategies and negotiations relating to labor negotiations, except final contracts §708(b)(8)(i);
- r. Any exhibits entered into evidence at an arbitration hearing based upon a CBA grievance §708(b)(8)(ii);
- s. Lock Haven University of PA predecisional deliberations and strategies used to develop or achieve a successful budget, legislative proposal or regulation §708(b)(10)(i)(a-b);
- t. A record presented which is not otherwise exempt, but is presented to a quorum for deliberation in accordance with the Open Meetings law is a public record §708(b)(10)(ii);
- u. This shall not apply to a written or internet application or other document requesting Commonwealth funds §708(b)(10)(iii)(grant requests);
- v. This section does not apply to public opinion surveys or other such research designed to measure public opinion §708(b)(10)(iv);
- w. Communication between an agency and its insurance carrier. This does not apply to the actual contract §708(b)(27);
- x. Information identifying an individual who applies for or receives social services §708(b)(28);
- y. Correspondence between a person and a member of the General Assembly that request some form of constituent services. This does not apply to correspondence from lobbyists §708(b)(29);
- z. A record identifying the name, address, or date of birth of a child 17 years of age or younger §708(b)(30);
- aa. Financial records—The exception in subsection b shall not apply to financial records except that an agency may redact that portion of a financial record that is protected under (b)(1)(2)(3)(4)(5)(16) or (17).