

TITLE 1: GOVERNMENT
DIVISION 9: MISCELLANEOUS PROVISIONS

§ 9917. Public Records: Availability for Inspection; Cost of Copies.

(a) Within 10 days of a request, all public records shall be available for inspection by any person during established office hours unless public inspection of such records is in violation of any Commonwealth or federal law; provided that, except where such records are open under any rule of court, the Commonwealth Attorney General or designated assistant attorney general and the responsible attorneys for federal agencies may determine which such records in their offices may be withheld from public inspection when such records pertain to the preparation of the prosecution or defense of any action or proceeding, prior to its commencement, to which the Commonwealth is a party, or when such records do not relate to a matter in violation of law and are deemed necessary for the protection of the character or reputation of any person.

(b) Copies of public records shall be given by the officer having custody to any person demanding the same and paying a reasonable charge for duplication. Charges shall not exceed the amount necessary to reimburse the agency for its actual cost incident to such copying. No charge or fee shall be charged for the mere inspection of public records. Recourse may be had to the Commonwealth Superior Court by any person unlawfully denied access to public records. Cost of suit and reasonable attorney fees shall be awarded to the prevailing party in such a suit.

(c) *Penalties.* Any public officer who violates any provision of this section is guilty of a noncriminal infraction, punishable by a fine not exceeding \$500. Any person willfully and knowingly violating any of the provisions of this section is guilty of a misdemeanor punishable by a term of imprisonment not exceeding one year, or by a fine of up to \$1,000, or both.

Source: PL 8-41, § 18, modified; amended by PL 10-82, § 2(a).

Commission Comment: PL 10-82 took effect on January 6, 1998. PL 10-82, § 2(a) added a new subsection (c) to this section. According to PL 10-82, § 1:

Section 1. Purpose. The purpose of the Act is to increase the penalty for failure to make public records available upon request and to provide for accelerated court hearings in actions filed under this section.