
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 790 Session of
2025

INTRODUCED BY DUSH, BROOKS, LAUGHLIN, FONTANA AND STEFANO,
MAY 28, 2025

REFERRED TO STATE GOVERNMENT, MAY 28, 2025

AN ACT

1 Amending the act of February 14, 2008 (P.L.6, No.3), entitled
2 "An act providing for access to public information, for a
3 designated open-records officer in each Commonwealth agency,
4 local agency, judicial agency and legislative agency, for
5 procedure, for appeal of agency determination, for judicial
6 review and for the Office of Open Records; imposing
7 penalties; providing for reporting by State-related
8 institutions; requiring the posting of certain State contract
9 information on the Internet; and making related repeals," in
10 agency response, providing for vexatious requesters.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. The act of February 14, 2008 (P.L.6, No.3), known
14 as the Right-to-Know Law, is amended by adding a section to
15 read:

16 Section 906. Vexatious requesters.

17 (a) Petition for relief.--

18 (1) Except as provided under paragraph (2), an agency
19 may petition the Office of Open Records for relief from a
20 requester alleged by the agency to be a vexatious requester.

21 The petition shall:

22 (i) be submitted under penalty of 18 Pa.C.S. § 4904

1 (relating to unsworn falsification to authorities);

2 (ii) be served on the Office of Open Records and the
3 requester alleged to be a vexatious requester; and

4 (iii) demonstrate, by clear and convincing evidence,
5 that the alleged vexatious requester's request or
6 requests, considered collectively, constitute vexatious
7 conduct. For the purpose of this subparagraph, relevant
8 factors may include any of the following:

9 (A) The number of requests filed.

10 (B) The number of pending requests.

11 (C) The scope and complexity of the requests.

12 (D) The nature, content, language or subject
13 matter of the requests.

14 (E) The nature, content, language or subject
15 matter of other communications with the agency.

16 (F) Conduct alleged to impose an unreasonable
17 burden on the agency.

18 (G) Conduct, including communications in writing
19 or otherwise documented, expressing intent to harass,
20 annoy, frustrate or burden an agency.

21 (H) Evidence of repetitive requests for
22 identical or substantially similar records previously
23 provided or denied with finality.

24 (I) Other relevant evidence of vexatious intent.

25 (2) An agency may not petition for relief under
26 paragraph (1) if the alleged vexatious requester:

27 (i) is a parent or guardian of a student enrolled in
28 a school within a school entity and the request relates
29 directly to the school entity's educational curriculum or
30 policies;

1 (ii) is a candidate, or is designated by a candidate
2 or political party, and the request pertains to voter
3 registration or election administration; or

4 (iii) was previously subject to a petition under
5 paragraph (1) by the same agency, and the petition was
6 denied under subsection (f) (1) or (2) within the previous
7 calendar year.

8 (3) A petition for relief under paragraph (1) may
9 include a request for a stay, which shall demonstrate by
10 clear and convincing evidence that a stay is necessary
11 because:

12 (i) the number and frequency of requests
13 demonstrably exceed the agency's reasonable capacity to
14 respond without significant disruption to the agency's
15 core functions; or

16 (ii) the requester has demonstrated clear intent to
17 harass, annoy, frustrate or burden an agency.

18 (b) Processing of petitions.--Upon receipt of a petition
19 under subsection (a) (1), the executive director of the Office of
20 Open Records or a designee shall have the following duties:

21 (1) Within five business days, provide a notice to the
22 alleged vexatious requester in writing that the requester may
23 submit a preliminary response to the petition within 10
24 business days of receipt of the notification under this
25 paragraph.

26 (2) If the petition contained a request under subsection
27 (a) (3) and the executive director or a designee has
28 determined that a preliminary stay is appropriate, within 15
29 business days, inform the agency and the alleged vexatious
30 requester that the Office of Open Records has determined that

1 pending or new requests are stayed pending resolution of the
2 petition. The determination under this paragraph shall not be
3 appealable.

4 (c) Initial determination.--Within 30 calendar days of
5 receiving a petition under subsection (a)(1), the executive
6 director or a designee shall review the petition and determine
7 whether further proceedings are warranted. The following shall
8 apply:

9 (1) If further proceedings are not warranted, including
10 if the requester meets the criteria specified under
11 subsection (a)(2), the executive director or designee shall
12 deny the petition and provide a notice to the alleged
13 vexatious requester and the agency in writing with a
14 statement of reasons.

15 (2) If further proceedings are warranted, the executive
16 director or a designee shall have the following duties:

17 (i) Establish a briefing schedule to afford the
18 alleged vexatious requester a fair opportunity to respond
19 to the petition.

20 (ii) If the petition contained a request under
21 subsection (a)(3), determine whether pending or new
22 requests from the alleged vexatious requester should be
23 processed or stayed pending resolution of the petition.
24 The determination under this subparagraph shall not be
25 appealable.

26 (iii) If the executive director or a designee
27 determines that a preliminary stay is appropriate under
28 subsection (a)(3), determine whether the stay should be
29 continued or if pending or new requests from the
30 requester should be processed.

1 (d) Hearing.--

2 (1) After reviewing the alleged vexatious requester's
3 response under subsection (c)(2)(i), if any, the executive
4 director or a designee shall determine whether a hearing is
5 necessary and provide notice of the determination to the
6 requester and the agency in writing within five business
7 days. The determination under this paragraph shall not be
8 appealable.

9 (2) If a hearing is held, the executive director or a
10 designee may:

11 (i) admit testimony, documents or other evidence
12 deemed reasonably probative and relevant; or

13 (ii) exclude or limit evidence deemed cumulative or
14 irrelevant.

15 (e) Mediation.--At any time during proceedings under this
16 section, the executive director or a designee may propose
17 mediation through the Office of Open Records. If both the
18 alleged vexatious requester and the agency consent, mediation
19 shall proceed for up to 90 calendar days, extendable by mutual
20 agreement. All other proceedings under this section shall be
21 stayed during mediation.

22 (f) Final determination.--

23 (1) Unless otherwise agreed by the agency, the executive
24 director or a designee shall issue a final determination
25 granting or denying the petition under subsection (a)(1)
26 within 90 calendar days of the petition's filing.

27 (2) Subject to paragraph (1), if no final determination
28 is issued within 90 calendar days, the petition shall be
29 deemed denied.

30 (3) If the petition is granted, the executive director

1 or a designee may order relief proportionate to the vexatious
2 conduct, including limiting the agency's obligation to
3 respond to future requests from the vexatious requester for a
4 period not exceeding one calendar year from the date the
5 petition is granted. Relief under this paragraph shall be
6 narrowly tailored to address the specific conduct and employ
7 the least restrictive means necessary.

8 (4) The executive director or a designee shall post the
9 final determination on the publicly accessible Internet
10 website of the Office of Open Records.

11 (g) Content-neutral application.--Determinations under this
12 section shall be made in a consistent and content-neutral
13 manner, without regard to the subject matter or political
14 implications of the requests.

15 (h) Appeal.--Notwithstanding section 1309, a party aggrieved
16 by a determination under this section, except for determinations
17 under subsection (b) (2), (c) (2) (ii) or (d) (1), may file a
18 petition for review or other document as might be required by
19 rule of court with Commonwealth Court within 15 calendar days of
20 the determination. The decision of the court shall contain
21 findings of fact and conclusions of law based upon the evidence
22 as a whole. The decision shall clearly and concisely explain the
23 rationale for the decision.

24 (i) Definitions.--As used in this section, the following
25 words and phrases shall have the meanings given to them in this
26 subsection unless the context clearly indicates otherwise:

27 "Executive director." The executive director of the Office
28 of Open Records.

29 "Vexatious." Conduct intended solely to harass, annoy,
30 frustrate or burden an agency.

1 "Vexatious request." A request submitted solely for a
2 vexatious purpose. The term does not include a request that
3 causes inconvenience or burden but is submitted for a purpose
4 other than a vexatious purpose.

5 "Vexatious requester." An individual who submits one or more
6 vexatious requests.

7 Section 2. This act shall take effect in 120 days.