



**TESTIMONY ON
RIGHT-TO-KNOW LAW IMPACTS ON COUNTIES
AS LOCAL GOVERNMENT AGENCIES**

Presented to the House Intergovernmental Affairs & Operations Committee

By
Commissioner Ray D'Agostino
Chairman, Lancaster County Board of Commissioners

March 23, 2026

Good morning Chairman Delloso, Chairman Staats and members of the House Intergovernmental Affairs & Operations Committee. Thank you for the opportunity to testify today on behalf of the County Commissioners Association of Pennsylvania (CCAP), a non-profit, bipartisan association representing all 67 counties of this Commonwealth.

My name is Ray D'Agostino. I serve as a Lancaster County Commissioner and as Chairman of CCAP's County Governance Committee, which is tasked providing guidance on all public policy matters relative to the governance and operation of counties.

We appreciate the Committee's willingness to examine the Pennsylvania Right-to-Know Law and its impact on local governments. Counties strongly support transparency and accountability, and we recognize the importance of public access to government records in maintaining trust in our institutions. At the same time, after more than fifteen years of implementation, it has become increasingly clear that the law must be updated to reflect how it is being used today and the realities counties face in carrying it out.

The Evolution of the Law

When the General Assembly enacted Act 3 of 2008, it represented a significant and important shift in Pennsylvania's approach to government transparency. By establishing a presumption that records are public unless specifically exempted, and by placing the burden of proof on government agencies, the law expanded access in meaningful ways.

Counties supported those reforms and have worked diligently to implement them. We continue to believe in the principles that underline the law. However, the environment in which the Right-to-Know Law operates today is far different than it was in 2008.

Advances in technology, the digitization of records, and the emergence of data-driven business models have all transformed the nature of requests. As reflected in the 2025 Annual Report of the Pennsylvania Office of Open Records, requests are increasingly complex, frequently involve large volumes of electronic data, and often lead to appeals that require additional time and resources to resolve. Local agencies, including counties, remain at the center of this activity.

What was once primarily a system for accessing discrete public records has, in many cases, evolved into a mechanism for large-scale data extraction and in some cases, as a means to consternate, disrupt or overwhelm local governments. That evolution has significant implications for county governments.

Operational Realities for Counties

Counties manage an extraordinary breadth of records. From elections and courts to human services, public safety, land records, and tax administration, counties serve as custodians of information that is essential to governance and often highly sensitive.

Responding to a Right-to-Know request is not a simple administrative task. It requires coordination across departments, retrieval of records from multiple systems, careful legal review

to determine what may or may not be disclosed, and redaction of confidential information where necessary. All of this must be done within strict statutory timelines.

In many cases, particularly those involving electronic communications or large datasets, the process is time-intensive and technically demanding. A single request can require dozens or even hundreds of hours of staff time. For smaller counties with limited personnel, even a handful of complex requests can significantly disrupt normal operations.

These are not hypothetical concerns. They are daily operational realities that affect how counties allocate staff, manage workloads, and deliver services to the public.

Commercial Use of Public Records

One of the most significant developments in recent years has been the increase in requests made for commercial purposes. Counties are seeing a growing number of requests from businesses seeking access to data that can be repackaged, aggregated, and sold as part of subscription services or other revenue-generating products.

These requests often target information such as property records, tax sale data, contracts, and other datasets that have commercial value, including something that the law did not seem to contemplate, metadata. While this information may be public, the current framework allows it to be obtained at little or no cost, despite the fact that it is collected, maintained, and produced using taxpayer-funded resources.

Counties do not believe the Right-to-Know Law was intended to subsidize private enterprise. The purpose of the law is to promote transparency and accountability in government, not to provide a no-cost data pipeline for commercial use. Without adjustments that reflect these modern demands, the system risks overextending the resources of local government while failing to protect taxpayers.

In order to address companies taking advantage of the Right-to-Know Law system, counties support legislation that would create a fee-based system for commercial requests, ensuring that those requests made to generate revenue are not funded on the backs of taxpayers.

Vexatious and Burdensome Requests

Counties also face increasingly broad and burdensome requests. In some instances, requests appear to be designed not to obtain specific records, but to overwhelm agency resources or to substitute for formal discovery in litigation. Vexatious requests are those made by an individual or entity repeatedly or in mass with an intent to harass or intimidate local governments, often causing disruption and tying up resources. In addition, the requests may have no connection to actual documents or information subject to or need to go through the Right-to-Know process, but the intent is to overwhelm or disrupt operations.

Because requesters are not required to state a purpose, proving that a request is vexatious is difficult, often leaving counties with no option but to comply, regardless of the impact on their

operations. The resulting diversion of staff time and resources can significantly affect a county's ability to perform essential functions and deliver services to residents.

While counties understand that some voluminous requests may be legitimate, counties support legislation that would address these issues, including but not limited to the ability to reject the request with reasonable suspicion of abuse of the law. It is imperative to reiterate that counties believe in transparency of public records, but also have a responsibility to the taxpayers to use tax dollars efficiently and to the benefit of those within their communities.

Another gray area for these requests in recent years are those related to elections. There are documents and information that the Election Code states are either public or not, but is not found in the Right-to-Know law. Clarification as to whether these requests fall under the Right-to-Know law would be helpful. Also, while counties understand the interest in the data being requested, the need for time to be able to administer elections, often while the response clock under the Right-to-Know Law is ticking, is of paramount importance. Counties ask for a blackout period during the time leading up to, during and after elections to ensure counties can focus limited resources on the backbone of our democratic republic instead of responding immediately to requests, many of which are from entities outside of the commonwealth.

Providing agencies with reasonable tools to manage clearly burdensome requests is critical to ensuring that the system remains functional and sustainable.

Corrections Requests

Counties have also experienced ongoing challenges related to requests originating from correctional facilities. While it is important that inmates retain access to records relevant to their cases, inmate requests are more frequently not subject to the Right-To-Know process. Rather, many requests are legal questions or questions related to the correctional facility processes and cannot, nor are they required to be answered under the Right-To-Know Law. Unfortunately, counties must provide written denial of each inmate question. Additionally, counties have encountered situations where requests are excessive, unrelated, or directed at records that do not exist or are not in the county's possession.

These requests still require time and resources to process and respond to, and in some cases, they lead to appeals that further increase the burden on county staff. A framework that balances access for legitimate purposes with protection against misuse is critical to sustaining effective county operations.

Cost Impacts on Taxpayers

At its core, the implementation of the Right-to-Know Law carries real and growing costs. These costs are not abstract; they are borne directly by county and other local governments and, ultimately, by local taxpayers.

Staff time, legal review, technological resources, and administrative overhead all contribute to the cost of compliance. As requests become more complex and more frequent, those costs

continue to rise. The current fee structure does not adequately reflect these realities, particularly for large or technically complex requests. As a result, counties are often required to absorb significant costs without any mechanism for recovery.

Modernizing the cost recoupment framework is essential to ensure that counties can continue to fulfill their obligations under the law while maintaining fiscal responsibility.

Moving Forward

Counties are not seeking to limit transparency. We remain committed to open government and to providing access to public records. We are seeking a modernized framework that reflects modernization and how the law is being used today, while protecting privacy, preventing abuse, and ensuring the responsible use of taxpayer resources.

The issues we have outlined—including commercial use, vexatious requests, inmate requests, and cost recovery—represent real challenges for counties. Addressing these challenges is necessary to ensure the Right-to-Know Law continues to function effectively and sustainably for both the public and local governments. While there are current legislative proposals to address several of these issues, counties look forward to continuing discussions around these issues in the hopes of finding solutions that balance government efficiency and protect transparency.

Conclusion

Counties play a vital role in maintaining the records that document the work of government and the lives of our residents. We take that responsibility seriously, and we are committed to ensuring that those records are accessible in a way that promotes transparency and accountability.

At the same time, we must ensure that the system through which those records are accessed remains workable, balanced, and sustainable. We appreciate the Committee's attention to these issues and stand ready to work with you, the Office of Open Records, and all stakeholders to develop solutions that meet these goals.

Thank you for your time and consideration. I would be happy to answer any questions.