

## Here are the Facts about Treasurer McCord's Court Case on the Right-to-Know-Law

Several published articles concerning a request for public information have misrepresented a Commonwealth Court filing by State Treasurer Rob McCord.

On February 24, 2014, Treasurer McCord asked the court to clarify a potential conflict between two Pennsylvania statutes. He did so by seeking a declaratory judgment regarding a request for information from an organization known as Pennsylvanians for Union Reform (PFUR) and its president, Simon Campbell.

PFUR had sought state employee records from the Pennsylvania Treasury. PFUR wanted the request granted using specifically the Administrative Code, a 1920s law which does not require the redaction of confidential information about state employees – including such public servants as undercover police officers. The state Right to Know Law, however, does provide for redaction of some personal information if a possibility exists that release of the information could compromise the safety or personal security of the public employee.

PFUR and Mr. Campbell, in a letter from their attorney, informed the Treasury that they would sue if any information was redacted as provided in the Right to Know Law rather than being furnished un-redacted under the Administrative Code. Recognizing the discrepancy between the two laws, his duty to protect employee safety, and the threat of a lawsuit if he acted in accordance with the Right to Know Law, Treasurer McCord formally asked Commonwealth Court for direction on how to respond to PFUR and Mr. Campbell.

The treasurer's filing resulted in misleading columns printed in several newspapers in which he is accused of using his official power to suppress requests for public information and of suing to stop Mr. Campbell from even asking for information.

These are not credible representations of Treasurer McCord's action.

The lead paragraph of a February 24, 2014 news release from Pennsylvania Treasury explains the purpose of the court filing clearly.

***Harrisburg*** – *Faced with the threat of a lawsuit, or releasing information that could jeopardize the safety and security of some public employees, Treasurer Rob McCord today asked Commonwealth Court to resolve a conflict concerning the application of the state Right to Know Law.*

Later in the release, Treasurer McCord explains the dilemma further.

*With the question of whether the Administrative Code or the Right to Know Law applies in such cases seemingly destined for a court decision either way, McCord, in his official capacity, filed a Petition for Review in the Nature of an Action for Declaratory and Injunctive Relief.*

*"As a public official, I'm in the position of either complying with the organization's demand and releasing information that has been deemed confidential under the Right to Know Law – for good reason, in my opinion – or redacting the information and subjecting the Treasury Department to litigation. We thought it best to ask the court proactively to clarify the issue before we proceed," McCord said.*

The full news release is available here: <http://www.patreasury.gov/PressReleases-2014-2-24-Safeguard-Employees.html>

It should be obvious to anyone who reads the news release and the court filing that Treasurer McCord is not engaging in official repression; rather, he is asking the court for guidance as to the legally sound way to respond to the request made by PFUR and Mr. Campbell.

To be clear:

- Treasurer McCord seeks no monetary damages from Mr. Campbell or his organization.
- He does not seek to impose penalties upon Mr. Campbell or his organization.
- He does not seek to prevent Mr. Campbell, his organization, or any other party from requesting public information in the future.
- He sought guidance from the Commonwealth Court to decide which of two seemingly conflicting laws should apply to PFUR's and Mr. Campbell's request (a matter their attorney had already threatened in writing to litigate as well.)

Make no mistake: Treasurer McCord is not stonewalling, nor is he interested in thwarting requests for public information. Treasurer McCord draws the line, however, at information that could prove to be detrimental to Pennsylvanians – that includes personal information of undercover police officers or battered women being made public, jeopardizing their safety and security. In essence, Treasurer McCord recognizes and respects the fact that it is a matter for the court to decide.