

No. 1978-165

AN ACT

SB 224

Providing for the availability of otherwise confidential information for investigative purposes.

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

Section 1. Definitions.

The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

“Confidential information.” Any records, files, data or information, withheld as confidential, whether pursuant to statute or otherwise, by any department, agency, bureau, board or commission from the Attorney General, a district attorney, the Pennsylvania Crime Commission, or a committee or subcommittee of either House of the General Assembly having subpoena power to investigate criminal activity. The term shall not include personal income tax information, or the investigative or intelligence files of the State Police, the Attorney General or the Pennsylvania Crime Commission.

Section 2. Petition.

The Attorney General, a district attorney, the Executive Director of the Crime Commission acting pursuant to a resolution of the Crime Commission, or a committee or subcommittee of either House of the General Assembly having subpoena power to investigate criminal activity, may ex parte petition any judge of the Commonwealth Court for an order providing access to confidential information.

Section 3. Grounds for order.

Any judge of the Commonwealth Court shall enter an order providing access to confidential information, if on the basis of a petition under section 2 he finds that:

(1) the petitioner is engaged in an ongoing investigation of criminal activity; and

(2) a department, agency, bureau, board or commission may have confidential information reasonably related to such an investigation.

Section 4. Disclosure of confidential information; contents of order.

(a) Disclosure of confidential information shall be limited as follows:

(1) disclosure by the department, agency, bureau, board or commission holding such information shall be limited to persons personally and directly engaged in the ongoing investigation by the petitioner under section 3; and

- (2) disclosure by the petitioner;
 - (i) in the case of the Attorney General or a district attorney, shall be limited to judicial or administrative proceedings;
 - (ii) in the case of the Pennsylvania Crime Commission, shall be limited to official reports; and
 - (iii) in the case of a committee or subcommittee of either House of the General Assembly, shall be limited to regular meetings of the committee or subcommittee or debate on the floor.

(b) Commonwealth Court orders entered under section 3 shall specifically limit the disclosure of confidential information as provided in subsection (a).

Section 5. Criminal penalties for improper disclosure.

Any person who discloses any confidential information other than as provided in section 4 shall be guilty of a felony of the third degree.

Section 6. Civil penalty.

Any person who discloses any confidential information other than as provided in section 4 or otherwise authorized by law shall be liable to any person or corporation damaged thereby, in an action for invasion of privacy for the following:

- (1) Treble the actual damages proved.
- (2) Such reasonable attorney fees as shall be approved by the trial judge.

Section 7. Good faith reliance on a court order.

Good faith reliance on a court order entered under this act shall be a complete defense to any criminal liability under section 5 or civil liability under section 6.

Section 8. Repealer.

All acts or parts of acts are repealed insofar as they are inconsistent with this act.

Section 9. Effective date.

This act shall take effect in 60 days.

APPROVED—The 4th day of October, A. D. 1978.

MILTON J. SHAPP