

ARIN Intermediate Unit 28
Right-to-Know Policy

November 18, 2008

Administrative Regulations
Exceptions to Public Records

These administrative regulations are adopted in order to guide the Open Records Officer in determining whether a requested record constitutes a public record that is subject to disclosure under the Right-to-Know Act, or whether certain information contained in a public record may be redacted before the record is made available for public inspection or duplication.

I. Definitions

For purpose of these regulations the terms set forth below shall have the following meanings:

“Administrative Proceedings” shall mean an IU proceeding whose outcome is required to be based on a record or documentation prescribed by law or which a statute or regulation is particularized in application to individuals. The term includes an appeal.

“Aggregated data” shall mean a tabulation of data which relate to broad classes, groups or categories so that it is not possible to distinguish the properties of individuals within those classes, groups or categories.

“Confidential proprietary information” shall mean commercial or financial information received by the IU (i) which is privileged or confidential; and (ii) the disclosure of which would cause substantial harm to the competitive position of the person that submitted the information.

“Financial record” shall mean any of the following: (i) any account, voucher or contract dealing with the IU’s receipt or disbursement of funds or the IU’s acquisition, use or disposal of services, supplies, materials, equipment or property; or (ii) the salary of other payments or expenses paid to an officer or employee of the IU, including the name and title of the officer or employee; or (iii) a financial audit report, but excluding work papers underlying an audit.

“Personal financial information” shall mean an individual’s personal credit, charge or debit card information; bank account information; bank, credit or financial statements; account or PIN numbers and other information relating to an individual’s personal finances.

“Public Record” shall mean a record, including a financial record, of the IU that: (i) is not exempt from disclosure under Pennsylvania’s Right-to-Know Act (ii) is not exempt from being disclosed under any other federal or state law, regulation, judicial order or decree; and (iii) is not protected by a privilege.

“Privilege” shall mean the attorney-work product doctrine, the attorney-client privilege, the doctor-patient privilege, or other privileges recognized by a court interpreting the laws of this Commonwealth.

“Record” shall mean information, regardless of physical form or characteristics, that document a transaction or activity of the IU and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the IU. The term “record” includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and a data-processed or image-processed document.

“Social services” shall mean cash assistance and other welfare benefits, medical, mental and other health care services, vocational services and training, occupational training, educational services, counseling services, workers’ compensation services and unemployment services, foster care services, services for individuals with disabilities and services for victims of crime and domestic violence.

“Trade secret” shall mean information, including a formula, drawing, pattern, compilation, including a customer list, program, device, method, technique or process that: (i) derives independent economic value, actual or potential, from being generally known to and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; and (ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. The term includes data processing software obtained by the IU under a licensing agreement prohibiting disclosure.

II. Public Access to Records

IU records are subject to disclosure under the Right-to-Know Act unless the entire record, or certain information contained therein, is expressly exempted from disclosure by one of the exceptions set forth in Pennsylvania’s Right-to-Know Act, or other state or federal law that prohibit such public access.

Section III of the administrative regulations summarizes the non-financial records that are exempt from the public disclosure requirements of the Right-to-Know Act.

Section IV of the administrative regulations summarize the financial records and aggregate data that are exempt from the public disclosure requirements of the Right-to-Know Act.

The Open Records Officer is responsible for determining whether a record, in whole or in part, is a public record subject to disclosure. The Open Records Officer shall consult these administrative regulations and confer with the IU solicitor as needed to determine whether disclosure of a record is required by law.

III. Non-Financial Records Exempted from Public Disclosure

The administrative regulations organize the public disclosure exemptions set forth in the Right-to-Know Act into the following sub-categories:

- A. Business/Financial Matters
- B. Curriculum & Academic Materials
- C. Facilities and IU Buildings
- D. Employee Information
- E. Investigative Materials
- F. Labor Relations Information
- G. Pre-Decisional Deliberations
- H. Privileged Communications with Professionals
- I. Real Estate
- J. Students
- K. Technology/Computer Information
- L. Miscellaneous
- M. Exemptions generally not applicable to public schools/entities

These sub-categories do not appear in the Right-to-Know Act, and are intended to serve only as an organizational guide for the Open Records Officer when determining if a record, in whole or in part, is exempt from the disclosure under the law.

Information or records falling within the exemptions set forth below do not need to be disclosed in order to respond to a request to access a record. In certain instances, the record may be available for public inspection after the exempted information is redacted. In other instances, the entire record may be exempt from disclosure.

The Open Records Officer shall review the exceptions set forth in Section IV of the regulations when entertaining a request for a financial record or aggregated data.

A. Business/Financial Matters

1. *Insurance Communications* – disclosure of record or information relating to a communication between the IU and its insurance carrier, administrative service organization or risk management office. § 708(b)(27).
2. *Loss of State of Federal Funds* – when the disclosure of a record would result in the IU’s loss of state or federal funds. § 708(b)(1)(i).
3. *Pre-Award Bid Information* – disclosure of a proposal to the IU’s procurement or disposal of supplies, services or construction prior to the award of the contract or prior to the opening and rejection of all bids; financial information of a bidder or offeror requested in an invitation for bid or request for proposals to demonstrate the bidder’s or offeror’s economic capability; or the identity of members, notes and other records of IU proposal evaluation committee under 65 Pa. C.S.A. Ch. 13A. § 708(b)(26). (**Important Note:** This exception does not apply if the successive bidder is awarded a contract).
4. *Trade Secret/Confidential Proprietary Information* – disclosure of a record that constitutes or reveals a trade secret or confidential proprietary information. § 708(b)(11). (**Important Note:** Whenever a record submitted by a third party to the IU contains a trade secret or confidential proprietary information, the third party must submit a written statement signed by an official representative in order for this exception to apply. If this exception applies, the Open Records Officer shall notify the third party when a request is made to inspect the record in compliance with Section IV of these regulations).

B. Curriculum & Academic Materials

1. *Academic Records* – disclosure of academic transcripts, examinations, examination questions, scoring keys and answers to examinations, including licensing and other examinations relating to the qualifications of an individual; examinations given in the IU. § 708(b)(15)(ii).
2. *Personal Notes/Working Papers* – disclosure of notes and working papers prepared by or for an IU official or employee used solely for that official’s or employee’s own personal use, including telephone message slips, routing slips and other materials that do not have an official purpose. § 708(b)(12).
3. *Unpublished Academic Works* – disclosure of unpublished lecture notes, unpublished manuscripts, unpublished articles, creative works in progress, research-related material. § 708(b)(14).

4. *Trade Secret/Confidential Proprietary Information* – disclosure of a record that constitutes or reveals a trade secret or confidential proprietary information. § 708(b)(11). (**Important Note:** Whenever a record submitted by a third party to the IU contains a trade secret or confidential proprietary information, the third party must submit a written statement signed by an official representative in order for this exception to apply. If this exception applies, the Open Records Officer shall notify the third party when a request is made to inspect the record in compliance with Section V of these regulations).

C. Facilities and IU Buildings

1. *Public Safety* – when the disclosure of a record maintained by the IU in connection with local law enforcement or other public safety activity would be reasonably likely to jeopardize or threaten public safety or preparedness of public protection activity. § 708(b)(2).
2. *Security of Facilities* – when the disclosure of a record creates a reasonable likelihood of endangering the safety or physical security of a building or facility, which may include, but not be limited to:
 - a. documents or data to computer hardware, source files, software and system networks that could jeopardize computer security by exposing a vulnerability in preventing, protecting against, mitigating or responding to a terrorist act;
 - b. building plans or infrastructure records that expose or create vulnerability through disclosure of the location, configuration or security of critical systems, including public utility systems; structural elements; technology; communication; electrical; fire suppression; ventilation; water; wastewater; sewage and gas systems. § 708(b)(3)(ii)-(ii).

D. Employee Information

1. *Medical Information* – when the disclosure of a record of an individual’s medical, psychiatric or psychological history or disability status, including an evaluation; consultation; prescription; diagnosis or treatment; results of tests, including drug tests; enrollment in a health care program; enrollment in workers’ compensation and unemployment compensation that would disclose individually identifiable health information. § 708(b)(5).

2. *Personal Identification Information* – disclosure of the following personal information is prohibited under this policy:
 - a. A record containing an individual’s Social Security number; driver’s license; driver’s license number; personal financial information; home, cellular or personal telephone numbers; personal e-mail addresses; employee number or other confidential personal identification number.
 - b. A spouse’s name, marital status, beneficiary or dependent information.
 - c. The home address of the IU resource officer. § 708(b)(6)(A)-(C).
3. *Employee Records (records generally found in a personnel file)* – disclosure of the following records relating to an employee:
 - a. Letter of reference or recommendation to the character or qualifications of an identifiable individual, unless it was prepared in relations to the appointment to public office.
 - b. A performance rating, review or evaluation.
 - c. The results of a civil service or similar test administered by a Commonwealth agency, legislative agency or judicial agency.
 - d. Employment application of an individual who is not hired by the IU.
 - e. Workplace support services information.
 - f. Written criticism of an IU employee.
 - g. Grievance material, including documents relating to discrimination or sexual harassment.
 - h. Information regarding discipline, demotion, or discharge contained in a personnel file, except information that applies to the IU’s final action that results in demotion or discharge.
 - i. An academic transcript of an employee. § 708(b)(7)(i)-(ix).
4. *Physical Harm/Personal Security* –when the disclosure of a record would reasonably be likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual. § 708(b)(1)(ii).
5. *Social Services* – disclosure of a record or information identifying an individual who applies for or receives social services or otherwise relates to an individual’s eligibility to receive social services. § 708(b)(28).

E. Investigative Materials

1. *Non-Criminal Investigations* - disclosure of a record relating to an investigation done by the IU, including but not limited to:
 - a. Complaints submitted to the IU.
 - b. Investigative materials, notes, correspondence and reports.
 - c. A record that includes the identity of a confidential source, including individuals subject to Pennsylvania's Whistleblower Law.
 - d. A record that includes information made confidential by law.
 - e. Work papers underlying an audit.
 - f. A record that, if disclosed, would do any of the following:
 - i) Reveal the institution, progress or result of an agency investigation, except for the imposition of a fine or civil penalty, the suspension, modification or revocation of a license, permit, registration, certification, or similar authorization issued by the IU or an executed settlement agreement unless the agreement is determined to be confidential by a court.
 - ii) Deprive a person of the right to an impartial adjudication.
 - iii) Constitute an unwarranted invasion of privacy.
 - iv) Hinder the IU's ability to secure an administrative or civil sanction.
 - v) Endanger the life or physical safety of an individual. § 708(b)(17)(i)-(vi).

F. Labor Relations Information

1. *Grievances* – disclosure of grievance material alleging violations of a collective bargaining agreement, including an exhibit entered into evidence at an arbitration proceeding, a transcript of an arbitration or the opinion. (**Important Note:** This prohibition does not apply to the final award or order of an arbitrator in a dispute or grievance procedure). § 708(b)(8)(ii).
2. *Labor Negotiations* – disclosure of a record pertaining to strategy or negotiations relating to labor relations or collective bargaining and related fact-finding and/or arbitration proceedings. (**Important Note:** This exemption does not apply to a final and executed contract or collective bargaining agreement between the parties). § 708(b)(8)(i).

G. Pre-Decisional Deliberations

1. *Draft documents* – disclosure of a draft of a bill, resolution, regulation, statement of policy, management directive, ordinance or amendment prepared by or for the IU. § 708(b)(9).
2. *Draft Minutes* – disclosure of draft minutes of any IU board meeting until the next regularly scheduled meeting of the board. § 708(b)(21)(i)-(ii).
3. *Internal, pre-decisional deliberations* – disclosure of records reflecting the internal, pre-decisional deliberations by and between the IU, its IU board members and/or employees relating to a budget recommendation, legislative proposal, legislative amendment, contemplated or proposed policy or course of action or any research, memos or other documents used in pre-decisional deliberations. (**Important Note:** This exception does not apply to records presented to the IU Board for deliberation purposes at a public meeting, applications for state funds or results of public opinion surveys or polls). § 708(b)(10)(i)-(ii).

H. Privileged Communications with Professionals

1. *Attorney-Work Product* – disclosure of a record reflecting IU consultations with its attorney or other professional advisors regarding information or strategy in connection with litigation or issues on which identifiable complaints are expected to be filed.
2. *Attorney-Client Privilege* – disclosure of a record reflecting confidential communications between the IU and the IU’s solicitor or special counsel providing a legal opinion or discussing a particular legal matter.
3. *Confidential Student Communication* – disclosure of a record reflecting confidential communications between a student and a school nurse, guidance counselor or other employee protected by 42 Pa. C.S.A. § 8550.

I. Real Estate

1. *Real Estate Appraisals* – disclosure of the contents of real estate appraisals, engineering or feasibility estimates, environmental reviews, audits or evaluations made for or by the IU relative to the following:
 - a. The leasing, acquiring or disposing of real property or an interest in real property.
 - b. The purchase of public supplies or equipment included in the real estate transaction.

- c. ***Important Note:*** This exception shall not apply once the decision is made to proceed with the lease, acquisition or disposal of real property or an interest in real property or an interest in real property or the purchase of public supply or construction project. § 708(b)(22).

J. Students

1. *Academic Records* – the disclosure of an academic transcript of a student. § 708(b)(15)(i).
2. *Education Records* – the disclosure of a student’s education records to non-school personnel is generally prohibited unless prior written consent is obtained from a student’s parent (or the student, if the student is 18 years of age) under the federal Family Education Right to Privacy Act (“FERPA”). 20 U.S.C. § 1232g; 34 C.F.R. Part 99.
3. *Medical Information* – the disclosure of a record of a student’s medical, psychiatric or psychological history or disability status, including an evaluation; consultation; prescription; diagnosis or treatment; results of tests, including drug tests; enrollment in a health care program. § 708(b)(5).
4. *Minors* – disclosure of a record identifying the name, home address or date of birth of a child (17) years of age or younger. § 708(b)(30).
5. *Personal Identification Information* – disclosure of the following personal information is prohibited under this policy: a record containing an individual’s Social Security number; driver’s license; driver’s license number; personal financial information; home, cellular or personal telephone numbers; personal e-mail addresses; student number or other confidential personal identification number. § 708(b)(6)(A)-(C).
6. *Physical Harm/Personal Security* –when the disclosure of a record would reasonably be likely to result in a substantial and demonstrable risk of physical harm to or the personal security of a student. § 708(b)(1)(ii).
7. *Social Services* – disclosure of a record or information identifying an individual who applies for or receives social services or otherwise relates to an individual’s eligibility to receive social services. § 708(b)(28).

K. Computer/Technology Information

1. *Computer Systems* – when the disclosure of a record regarding computer hardware, software and networks, including administrative and technical records, would reasonably be likely to jeopardize computer security. § 708(b)(4).
2. *Trade Secret/Confidential Proprietary Information* – when the disclosure of a record constitutes or reveals a trade secret or confidential proprietary information. § 708(b)(11). (**Important Note:** Whenever a record submitted by a third party to the IU contains a trade secret or confidential proprietary information, the third party must submit a written statement signed by an official representative in order for this exception to apply. If this exception applies, the Open Records Officer shall notify the third party when a request is made to inspect the record in compliance with Section V of these regulations).
3. *Safety* – when the disclosure of a record creates a reasonable likelihood of endangering the safety or physical security of an information storage system, which may include, but not be limited to: documents or data relating to computer hardware; source files; software; and system networks that could jeopardize computer security by exposing a vulnerability in preventing, protecting against, mitigating or responding to a terrorist act. § 708(b)(3)(i).

L. Miscellaneous

1. *Archival material* – disclosure of valuable or rare books or documents contributed by gift, grant, bequest or devise, to the extent of any limitations imposed by the donor as a condition of the contribution. § 708(b)(24).
2. *Donor information* – disclosure of records that identify an individual who lawfully makes a donation to the IU unless the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public official or employee of the IU, including lists of potential donors compiled by the IU to pursue donation, donor profile information or personal identifying information relating to a donor. § 708(b)(13).
3. *Library Records* – disclosure of library circulation and order records of an identifiable individual or group of individuals is not required. § 708(b)(23).
4. *Correspondence with a General Assembly member* – disclosure of correspondence between a person and a member of the General Assembly and records accompanying the correspondence which would identify a person that requests assistance or constituent services. § 708(b)(29). (**Note:** This exception does not apply to correspondence between a member of the General Assembly and lobbyist).

M. Exemptions generally not applicable to Intermediate Units

1. *National Security or Public Safety Concerns* – (i) disclosure of a record maintained by an agency in connection with the military, homeland security, national defense, law enforcement or other public safety activity that if disclosed would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection activity; (ii) disclosure of a record designated as classified by state or federal military authorities; and (iii) disclosure of record which creates a reasonable likelihood of endangering the safety of a physical security of a building, public utility, resource, infrastructure, facility, information storage system or significant special event, from a terrorist act, or is otherwise deemed critical infrastructure by the federal government. § 708(b)(2)-(3).
2. *Criminal Investigations* – disclosure of an agency record relating to or resulting in a criminal investigation. § 708(b)(16). (**Important Note:** This exemption does not apply to information contained in a police blotter or a traffic report maintained by a law enforcement agency).
3. *Emergency Dispatch Records* – disclosure of records, in whole or in part, except time response logs, pertaining to audio recordings, telephone or radio transmissions received by emergency dispatch personnel, including 911 recordings. § 708(b)(18). (**Note:** This exception does not prevent the release of a 911 recording, or transcript thereof, if the agency or a court determines that the public interest in disclosure outweighs the interest in nondisclosure.)
4. *DNA and RNA Records* – disclosure of DNA and RNA records § 708(b)(19).
5. *Autopsy Records* – disclosure of an autopsy record of a coroner or medical examiner and any audiotape of a postmortem examination or autopsy, or a copy, reproduction or facsimile of an autopsy report, a photograph, negative or print, including a photograph or videotape of the body or any portion of the body of a deceased person at the scene of death or in the course of the postmortem examination or autopsy taken or made by or caused to be taken or made by the coroner or medical examiner. § 708(b)(20). (**Important Note:** This exception does not limit the reporting of the name of the deceased individual and the cause and manner of death)
6. *Identification of archeological sites/endangered species* – disclosure of a record identifying the location of an archeological site or endangered or threatened plant or animal species if not already known to the general public. § 708(b)(25).

IV. Financial Records and Aggregate Data Exempt from Public Disclosure

If the Open Records Officer receives a request for a financial record or aggregate data, only the exceptions set forth in this section shall be considered when responding to the request:

1. *Financial records* – financial records shall be made available for public disclosure, except the following information may be **redacted** from the financial record:
 - a. *Loss of State of Federal Funds* – when the disclosure of the information would result in the IU’s loss of state or federal funds. § 708(b)(1)(i).
 - b. *Physical Harm/Personal Security* –when the disclosure of the information would reasonably be likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual. § 708(b)(1)(ii).
 - c. *National Security or Public Safety Concerns* – (i) disclosure of a record maintained by an agency in connection with the military, homeland security, national defense, law enforcement or other public safety activity that if disclosed would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection activity; (ii) disclosure of a record designated as classified by state or federal military authorities; and (iii) disclosure of record which creates a reasonable likelihood of endangering the safety of a physical security of a building, public utility, resource, infrastructure, facility, information storage system or significant special event, from a terrorist act, or is otherwise deemed critical infrastructure by the federal government. § 708(b)(2)-(3).
 - d. *Computer Systems* – when the disclosure of a record regarding computer hardware, software and networks, including administrative and technical records, would reasonably be likely to jeopardize computer security. § 708(b)(4).
 - e. *Medical Information* – when the disclosure of a record of an individual’s medical, psychiatric or psychological history or disability status, including an evaluation; consultation; prescription; diagnosis or treatment; results of tests, including drug tests; enrollment in a health care program; enrollment in workers’ compensation and unemployment compensation that would disclose individually identifiable health information. § 708(b)(5).
 - f. *Personal Identification Information* – disclosure of the following personal information is prohibited under this policy:
 - i) A record containing an individual’s Social Security number; driver’s license; driver’s license number; personal financial information; home,

cellular or personal telephone numbers; personal e-mail addresses; employee number or other confidential personal identification number.

ii) A spouse's name, marital status, beneficiary or dependent information.

iii) The home address of the IU resource officer. § 708(b)(6)(A)-(C).

g. *Criminal Investigations* – disclosure of an agency record relating to or resulting in a criminal investigation. § 708(b)(16). (**Important Note:** This exemption does not apply to information contained in a police blotter or a traffic report maintained by a law enforcement agency).

h. *Non-Criminal Investigations* - disclosure of a record relating to an investigation done by the IU, including but not limited to:

i) Complaints submitted to the IU.

ii) Investigative materials, notes, correspondence and reports.

iii) A record that includes the identity of a confidential source, including individuals subject to Pennsylvania's Whistleblower Law.

iv) A record that includes information made confidential by law.

v) Work papers underlying an audit.

vi) A record that, if disclosed, would do any of the following:

➤ Reveal the institution, progress or result of an agency investigation, except for the imposition of a fine or civil penalty, the suspension, modification or revocation of a license, permit, registration, certification, or similar authorization issued by the IU or an executed settlement agreement unless the agreement is determined to be confidential by a court.

➤ Deprive a person of the right to an impartial adjudication.

➤ Constitute an unwarranted invasion of privacy.

➤ Hinder the IU's ability to secure an administrative or civil sanction.

➤ Endanger the life or physical safety of an individual.
§ 708(b)(17)(i)-(vi).

2. *Aggregate data* – aggregate data shall generally be made available for public disclosure, except the following records shall be exempt from public disclosure:
 - a. *Loss of State of Federal Funds* – when the disclosure of aggregate data would result in the IU’s loss of state or federal funds. § 708(b)(1)(i).
 - b. *Physical Harm/Personal Security* –when the disclosure of aggregate data would reasonably be likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual. § 708(b)(1)(ii).
 - c. *National Security or Public Safety Concerns* – (i) disclosure of a record maintained by an agency in connection with the military, homeland security, national defense, law enforcement or other public safety activity that if disclosed would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection activity; (ii) disclosure of a record designated as classified by state or federal military authorities; and (iii) disclosure of record which creates a reasonable likelihood of endangering the safety of a physical security of a building, public utility, resource, infrastructure, facility, information storage system or significant special event, from a terrorist act, or is otherwise deemed critical infrastructure by the federal government. § 708(b)(2)-(3).
 - d. *Computer Systems* – when the disclosure of aggregate data regarding computer hardware, software and networks, including administrative and technical records, would reasonably be likely to jeopardize computer security. § 708(b)(4).
 - e. *Medical Information* – when the request seeks the disclosure of aggregate data regarding an individual’s medical, psychiatric or psychological history or disability status, including an evaluation; consultation; prescription; diagnosis or treatment; results of tests, including drug tests; enrollment in a health care program; enrollment in workers’ compensation and unemployment compensation that would disclose individually identifiable health information. § 708(b)(5).

V. Response to a request for a record containing trade secrets or confidential proprietary information of a third party.

If the Open Records Officer reasonably believes that a requested record contains a trade secret or confidential proprietary information of a third party, the following procedures shall be used when responding to the request:

1. The Open Records Officer shall determine if the third party provided the IU with a written statement signed by a representative of the third party that the record contains a trade secret or confidential proprietary at the time the record was submitted;

2. If the such written statement was submitted, the Open Records Officer shall notify the third party within 5 business days of its receipt of the request;
3. The third party shall have 5 business days from the notification by the Open Records Officer to provide input on the release of record;
4. The Open Records Officer shall grant or deny the request for record, in compliance with the requirements of the policy, within 10 business days of its notification to the third party; and
5. The Open Records Officer shall notify the third party of the decision regarding the request for the record. § 707(b).

VI. Response to a request for a transcript of an administrative proceeding

If the Open Records Officer receives a request for a transcript of an administrative proceeding, the following procedures shall be used when responding to the request:

1. The Open Records Officer shall determine if the transcript of the administrative proceeding is exempt from public disclosure:
 - a. As a general rule, a transcript from a proceeding adjudicating the rights of a student (i.e. expulsion hearing or special education due process hearing) or an employee (i.e. dismissal hearing) will be exempt from public disclosure – and the disclosure of such transcripts shall not be made without consulting the IU’s solicitor; and
 - b. Transcripts of public hearings (i.e. Act 34 hearing, Charter School Law proceedings) are subject to public disclosure.
2. If a transcript is subject to public disclosure, the IU shall either make its own copy of the transcript available for public disclosure or forward the request to the court stenographer who transcribed the proceedings if the IU has a copy of the transcript. § 707(c).

Rev. 11/7/08 jl