

LUZERNE COUNTY
OFFICE OF LAW
ROMILDA P. CROCAMO, ESQUIRE
CHIEF COUNTY SOLICITOR



LUZERNE COUNTY
COUNTY MANAGER
C. DAVID PEDRI, ESQUIRE

COUNTY of LUZERNE
P E N N S Y L V A N I A
ESTABLISHED 1786

November 1, 2017

Donna M. Cupinski
627 Carey Avenue
Wilkes-Barre, PA 18702
Email: donna@dmcgraphics.net

RE: RTK Request # 17-198

Dear Ms. Cupinski:

Thank you for writing to Luzerne County with your request for information pursuant to the Pennsylvania Right-To-Know law. My email is Jackie.Carroll@luzernecounty.org.

On August 15, 2017, the Luzerne County Office of Law received a request for documents from you described in the attached Right to Know request. Your request is denied for the following reasons pursuant to the Pennsylvania Right to Know Law ("RTKL").

Your request for a list of current county council home addresses is denied pursuant to Pennsylvania State Education Association v. Commonwealth, Department of Cmty. & Econ. Dev., 148 A.3d 142 (Pa. 2016) wherein the Pennsylvania Supreme Court created a right to informational privacy in Article I Section 1 of the PA Constitution. This right attached to home addresses of public school employees, triggering a balancing test to weigh the public interest in disclosure vs. the interest in privacy. The court upheld the principle that certain types of information, including home addresses, by their very nature implicate privacy concerns and require balancing.

Further, your request for the last filed county council campaign finance reports is also denied. Pennsylvania Right-to-Know Law ("RTKL") 65 P.S. §§ 67.708(b) **Exceptions**. Except as provided in subsection (c) and (d), the following are exempt from access by a requestor under this act: (6) (i) (A) "The following personal identification information: a record containing all or part of the person's Social Security number, driver's license number, personal financial information, home, cellular or personal telephone numbers, personal email addresses, employee number or other confidential personal identification number."

Page Two
November 1, 2017

You have a right to appeal this denial of information in writing to Office of Open Records, Commonwealth Keystone building, 400 North Street, 4th Floor, Harrisburg, PA 17120.

If you choose to file an appeal for any reason, you must do so within 15 business days of the mailing date of the agency's response. Section 1101. If you have further questions, please contact me. Please be advised this correspondence will serve to close this request with our office as permitted by law.

Very truly yours,

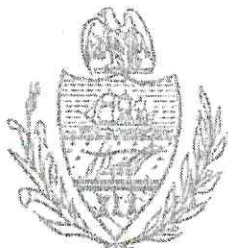


JACQUELINE MUSTO CARROLL, ESQUIRE
Luzerne County – Open Records Officer

RTK REQUEST NUMBER

DATE RECEIVED

5 DAY RESPONSE DATE



COUNTY OF LUZERNE

RIGHT TO KNOW LAW REQUEST FORM

NAME OF REQUESTER: CUPINSKI DONNA M
(PLEASE PRINT CLEARLY) LAST FIRST MI

MAILING ADDRESS: 627 CAREY AVE
STREET / P.O. BOX

WILKES-BARRE PA 18702
CITY STATE ZIP CODE

PHONE # 5708241990 FAX# -NA-

EMAIL ADDRESS: DONNA@DMCGRAPHICS.NET

SIGNATURE: Donna M. Cupinski DATE: 10/31/17

RECORDS REQUESTED - Requesters MUST specify the document(s) sought. Please use additional pages if necessary.

LIST OF CURRENT COUNTY COUNCIL HOME ADDRESSES - OR -
LAST FILED COUNTY COUNCIL CAMPAIGN FINANCE REPORTS

PLEASE CHECK ONE OF THE FOLLOWING:

- I AM ONLY REQUESTING ACCESS TO THE DOCUMENT(S)
 I AM REQUESTING A HARD COPY OF THE DOCUMENT(S) (PAPER, CD, etc...)
 I AM REQUESTING AN E-FILE OF THE DOCUMENT(S) (IF AVAILABLE) (PDF) EXCEL SPRDSHT, etc...)

PLEASE NOTE: LUZERNE COUNTY IS NOT REQUIRED TO CREATE A RECORD WHICH DOES NOT CURRENTLY EXIST OR TO COMPILE, MAINTAIN, FORMAT OR ORGANIZE A RECORD IN A MANNER IN WHICH THE AGENCY DOES NOT CURRENTLY COMPILE, MAINTAIN, FORMAT OR ORGANIZE THE RECORD