

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 2, 2017

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

RE: RTK Request # 17-199

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 November 1, 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 candidates list with addresses for the 2011, 2013, 2015 and 2017 primary elections 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, pursuant to Right-to-Know Law ("RTKL") 65 P.S. Section 67.708(b)(17)(vi)(C) Records that constitute an unwarranted invasion of privacy are exempt from access".

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.

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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,

A handwritten signature in blue ink that reads "Jacqueline Musto Carroll". The signature is written in a cursive style with a large initial 'J'.

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 # 5708241998 FAX# -NA-

EMAIL ADDRESS: DONNA @ DMCGRAPHICS.NET

SIGNATURE: Donna M. Cupinski DATE: 11/1/17

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

PLEASE EMAIL TO ME THE CANDIDATES LIST WITH ADDRESSES
FOR THE 2011, 2013, 2015 and 2017 PRIMARY ELECTIONS IN
LUZERNE COUNTY AS WAS DONE FOR REQUEST #17-45.

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