



EDUCATION PRACTICE

ALERT

PA SUPREME COURT RESTORES INJUNCTION

Teachers' home addresses are again shielded from requests under the PA Right to Know Law.

In July 2009 Senior Judge Friedman of the Commonwealth Court, sitting alone, issued a preliminary injunction shielding school employees' home addresses from requesters. In September 2010, the full Commonwealth Court dismissed the underlying case, thereby dismissing the injunction, as well. On November 1, 2010, the PA Supreme Court reimposed the injunction.

Without making more of this than we can reasonably take from a decision that is summed up by the single line

Upon review of the parties' pleadings, we believe that appellants are entitled to a stay pursuant to Pennsylvania Public Utility Comm'n v. Process Gas Consumers Group, 467 A.2d 805 (Pa. 1983).

I can pass on that others have felt this is especially positive. There are those that believe this decision, as well as the one from August 2010 hint

that the PA Supreme Court will find that there is a constitutional right to privacy. One really has to read between the lines to get that from this decision, though.

What this means is that we have returned to the situation as it existed just after Judge Friedman issued her initial injunction protecting those addresses. While the injunction remains in effect, School Districts do not need to release home addresses and the OOR cannot order them to do so.

The "full" interim Supreme Court decision can be found on the Court's web site at Pa. St. Education Assoc., et al v. Commonwealth of Pa., et al - No. 195 MM 2010. The August Supreme Court decision, which is even shorter, and simply 'affirms' the injunction, can be found here.

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