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UPDATE TO PSEA'S FIGHT TO PREVENT SCHOOLS FROM RELEASING EMPLOYEE HOME ADDRESSES

This update on the Pennsylvania State Education Association (PSEA) injunction relating to home addresses will not impact the way you answer Right-to-Know Law (RTKL) requests, but it should give some assurance that school employees' home addresses will remain protected for the near future.

As a background refresher, an injunction has been in place for the past several years as part of the PSEA's case against the Office of Open Records. The injunction was to prevent schools from releasing the home addresses of their employees. Because that injunction was only temporarily put in place while the courts considered PSEA's case, it was big news earlier this year when the Commonwealth Court issued a final decision saying that home address information is not protected and lifted the injunction.

Not surprisingly, PSEA appealed, but such an appeal does not automatically re-impose a prior injunction. At PSEA's request, the Commonwealth Court temporarily stayed its order until the Pennsylvania Supreme Court decided whether to issue a "supersedeas." Such a

supersedeas would keep the status quo in place – in this case by re-imposing the injunction – until the Pennsylvania Supreme Court made its final ruling on the underlying issues in the case.

On June 5, 2015, after considering the arguments from both sides, the Pennsylvania Supreme Court issued an order granting the supersedeas. This simply keeps the injunction in place for now. It does not mean that the Pennsylvania Supreme Court justices are leaning a particular way on the ultimate issue of whether home address information should be protected. However, since the parties have not yet submitted briefs to the court, it does mean that the injunction will stay in place for an extended period while the court determines its final resolution of this matter.

If you have any questions about the above, or any other Right to Know Law concerns, please feel free to contact the author, A. Kyle Berman (aberman@foxrothschild.com or 610.397.7980), or any other member of the Education Law Group at Fox Rothschild.

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