



Fox Rothschild LLP
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EDUCATION

ALERT

PA'S OFFICE OF OPEN RECORDS AND HEARINGS

When choosing to schedule a hearing, PA's Office of Open Records puts a notice in the *PA Bulletin*. Because of that, it is easy to see that since the law has been in effect there are only two cases where such hearings have been scheduled. The first one was related to the office of the Governor. According to the most recent *PA Bulletin*, the more recent case is the Matter of *James Eiseman, Jr. v. Department of Public Welfare* that will be heard on May 21, 22 and 23. This is the second time the case has been scheduled, so who really knows if it will take place when they say.

I really know nothing about the case except what the notice says, but even that is intriguing. It appears that for only the second matter in which the OOR has agreed to hold

a hearing, the question is whether the Department of Public Welfare can protect particular information as a "trade secret or proprietary confidential information." With the OOR's general bias, I would expect that the answer will be "no" or so limited as to make little difference to everyone else, but who really knows.

Depending on what the information might be and how it is characterized, the ruling could have wide implications whichever way the OOR rules.

If you have questions about this Alert, please contact A. Kyle Berman at 610.397.7980 or aberman@foxrothschild.com or any member of Fox Rothschild's Education Practice.



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