

From: Silberman, Gerald
Sent: Wednesday, April 15, 2015 11:28 AM
Subject: Release of Your Home Address (Right to Know Request)
Importance: High

PLEASE READ AND RESPOND (IF NECESSARY), ON OR BEFORE APRIL 21

KUTZTOWN UNIVERSITY

To: All Kutztown University Employees
From: Gerald L. Silberman, Kutztown University Right to Know Law Officer
Re: Right-to-Know Request for Home Addresses of University Employees
Date: April 15, 2015

I am writing to advise you that Kutztown University received a Right-to-Know Law (RTKL) request for the home addresses of **all Kutztown University employees**. The request was made by Pennsylvanians for Union Reform. With limited exceptions, home addresses of Kutztown employees (except for our law enforcement officers) are public records subject to disclosure.

An exception that possibly protects your home address from being released is codified in the RTKL and has been recognized by the Pennsylvania courts, and is based upon your “personal security.” That exception is stated as follows:

A record that disclosure of which would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual. 65 P.S. §67.708(b)(1)(ii).

Another possible exception is that you are or reside with a law enforcement officer or judge. That exception is stated as follows:

The following personal identification information: The home address of a law enforcement officer or judge. 65 P.S. §67.708(b)(6)(1)(C).

The Pennsylvania courts have also decided that you have the right to receive notice of the request for your home address, and the right to object to the University disclosing your address based upon this exception, or any other applicable exception in the RTKL. You may access the RTKL's complete list of exceptions at the Office of Open Records homepage:

http://openrecords.state.pa.us/portal/server.pt/community/open_records/4434. (On the left hand side of the home page ribbon bar, under "Contact Us," is a link to the complete Right to Know Law.) Within the RTKL, Section 708(b) contains the list of the possible exceptions to disclosure.

If you believe that release of your home address would "be reasonably likely to result in a substantial and demonstrable risk of physical harm to you or your personal security," or you believe that some other exception applies, please contact Maria Hernandez by e-mail at hernande@kutztown.edu or by phone at ext. 34106 or 610-683-4106, no later than Tuesday, April 21, 2015. Maria will then provide you the necessary form that you will be required to complete and return to me to request that the University not disclose your home address.

Please note that if your home address is not disclosed at your request, and the non-disclosure of access to your home address is challenged by the requestor, it will be your responsibility to provide evidence that the release of your home address will result in a substantial and demonstrable risk of physical harm to you or your personal security will be at risk if the University discloses your home address.

Please contact me with any other questions that you may have.

Gerald L. Silberman, Vice President for Administration and Finance
Right to Know Law Officer

Kutztown University of Pennsylvania
305 Stratton Administration Center
P.O. Box 730
Kutztown, PA 19530
Office: 610-683-4106
Fax: 610-683-1531
silberma@kutztown.edu