

*PENNSYLVANIA STATE EDUCATION ASS'N V. DEPARTMENT  
OF COMMUNITY & ECONOMIC DEVELOPMENT:  
AFFORDING DUE PROCESS RIGHTS UNDER THE  
RIGHT-TO-KNOW LAW*

I. INTRODUCTION

*Pennsylvania State Education Ass'n v. Department of Community & Economic Development*<sup>1</sup> is important to Pennsylvania administrative law for a variety of reasons, not the least of which is that it concerns disclosure of personal information under the Right-to-Know Law (RTKL). The issue from this case provides standing for teachers and teachers' unions to challenge requests for their personal home addresses under the RTKL and against the Office of Open Records (OOR).<sup>2</sup> The discussion of this case centers around the proposition that the courts of the Commonwealth should have jurisdiction where individuals affected by administrative agency rules otherwise would have no recourse in their individual capacity, even if the administrative procedures have not been exhausted, in order to afford them both notice and due process.

The Supreme Court of Pennsylvania in this case held that the OOR is an indispensable party to this adjudication, and further, that jurisdiction is proper where the individual has no recourse through exhaustion of administrative remedies.<sup>3</sup> Jurisdiction should be allowed in the Commonwealth Court of Pennsylvania in matters where individuals aggrieved by an agency determination otherwise have no remedy, even after the exhaustion of the administrative process.

This survey begins in Part II by providing background on similar cases decided prior to the case in question and statutes implicated by the present case so that the reader may understand

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<sup>1</sup> Pa. State Educ. Ass'n v. Dept. of Cmty. & Econ. Dev., 50 A.3d 1263 (Pa. 2012).

<sup>2</sup> *Id.* at 1265.

<sup>3</sup> *Id.* at 1277.

the arguments on which *Pennsylvania State Education Ass'n* is premised. Part III explores the court's decision in *Pennsylvania State Education Ass'n*, beginning with a statement of the facts and procedural history. Further, this survey examines the Supreme Court of Pennsylvania's treatment of the case, focusing primarily on the court's application of the principles surrounding the determination of a quasi-judicial agency as an indispensable party to the case. Part IV follows as the final analytical section, providing an evaluation of the decision, including a personal critique. This survey concludes with final thoughts in Part V.

## II. BACKGROUND

This background section will begin with relevant statutes necessary to understand the RTKL and the jurisdiction of courts to hear cases involving the RTKL. Additionally, this section will discuss cases that explain the law prior to this survey case. Title 65, sections 67.101 through 67.3104 is the new RTKL.<sup>4</sup> This law was enacted in February of 2008.<sup>5</sup>

The next relevant statute is title 42, section 761, which establishes original jurisdiction for courts of the Commonwealth of Pennsylvania.<sup>6</sup> The Commonwealth Court of Pennsylvania has original jurisdiction in "all civil actions or proceedings . . . [a]gainst the Commonwealth government, including any officer thereof, acting in his official capacity."<sup>7</sup> However, simply naming a Commonwealth agency will not suffice for jurisdiction, but rather, the Commonwealth agency named "must have a cognizable interest in the outcome of the action."<sup>8</sup> Additionally, where a party seeks declaratory relief in relation to these actions, "all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the

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<sup>4</sup> 65 PA. STAT. ANN. §§ 67.101–.3104 (West 2010).

<sup>5</sup> *Id.* § 67.101 ("This act shall be known as the Right-to-Know Law" and was effective February 14, 2008.).

<sup>6</sup> 42 PA. STAT. ANN. § 761 (West 2004) (defining original jurisdiction).

<sup>7</sup> *Id.* § 761(a)(1).

<sup>8</sup> *Pa. State Educ. Ass'n*, 4 A.3d at 1164.

proceeding."<sup>9</sup> Where an action will proceed against a Commonwealth agency, the agency must actually be an indispensable party such that the action cannot be concluded absent the sovereign becoming directly involved in the action.<sup>10</sup> There are also instances where the courts will not have jurisdiction over RTKL disputes. For example, the court will deny relief if the matter is subject to a tribunal other than a court.<sup>11</sup> The final statute that is relevant to Right-to-Know actions is title 42, section 102, proscribing the definition of government.<sup>12</sup>

There are also a number of relevant cases that set up the background to the RTKL and how courts address these issues, whether it involves individual standing, disclosure of private information, or whether a third party is indispensable to the adjudication of the action. The first case, *Cypress Media, Inc. v. Hazleton Area School District*,<sup>13</sup> dealt with the disclosure of personal information.<sup>14</sup> The Commonwealth Court of Pennsylvania said that personal information is not subject to disclosure under the RTKL because the right to privacy outweighed the benefit of knowing such information.<sup>15</sup> This portion of the opinion overruled prior case law which had stated that "no right of privacy existed in the Right to Know Act."<sup>16</sup> The Commonwealth Court of

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<sup>9</sup> 42 PA. CONS. STAT. ANN. § 7540(a) (West 2007).

<sup>10</sup> *Pa. State Educ. Ass'n*, 4 A.3d at 1164.

<sup>11</sup> See tit. 42, § 7541(c)(2) (explaining that relief shall not be available when the proceeding is subject to the "exclusive jurisdiction of a tribunal other than a court").

<sup>12</sup> *Id.* § 102. "Commonwealth government" is defined as:

The government of the Commonwealth, including the courts and other officers or agencies of the unified judicial system, the General Assembly and its officers and agencies, the Governor, and the departments, boards, commissions, authorities and officers and agencies of the Commonwealth, but the term does not include any political subdivision, municipal or other local authority, or any officer or agency of any such political subdivision or local authority.

*Id.*

<sup>13</sup> *Cypress Media, Inc. v. Hazleton Area Sch. Dist.*, 708 A.2d 866 (Pa. Commw. Ct. 1998).

<sup>14</sup> *Id.* at 870.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* (quoting *Tribune-Review Publ'g Co. v. Allegheny Cnty. Hous. Auth.*, 662 A.2d 677, 683 n.9 (Pa. Commw. Ct. 1995)).

Pennsylvania ultimately held that teacher's applications, even if public records, were not subject to disclosure because of the confidential information they contained.<sup>17</sup>

The next two cases deal with the issue of third party availability and whether or not relief can be granted absent that third party. The two cases are *Foreman v. Chester-Upland School District*<sup>18</sup> and *CRY, Inc. v. Mill Service, Inc.*<sup>19</sup> In *Foreman*, the court dealt with issues separate and apart from the RTKL, but the court made a statement of law regarding whether a third party is indispensable for resolution of an action.<sup>20</sup> The court stated in regards to indispensable third parties that "[a] Commonwealth agency or official is only an indispensable party to a proceeding if the action 'cannot conceivably be concluded with meaningful relief without the sovereign state itself becoming directly involved.' "<sup>21</sup> Further, the court described an indispensable party as one whose rights are so connected with those of the litigants that no relief can be granted to the others without impairing such rights.<sup>22</sup>

The second of the two cases, *CRY, Inc.*, also dealt with indispensable third parties.<sup>23</sup> In fact, in that case, the Supreme Court of Pennsylvania held that the Department of Environmental Resources was an indispensable party to that litigation.<sup>24</sup> The court developed four factors to consider regarding whether or not a party is indispensable to the litigation.<sup>25</sup> The factors are:

1. Do absent parties have a right or interest related to the claim?
2. If so, what is the nature of that right or interest?

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<sup>17</sup> *Id.* at 871.

<sup>18</sup> *Foreman v. Chester-Upland Sch. Dist.*, 941 A.2d 108 (Pa. Commw. Ct. 2008).

<sup>19</sup> *CRY, Inc. v. Mill Serv., Inc.*, 640 A.2d 372 (Pa. 1994).

<sup>20</sup> *Foreman*, 941 A.2d at 113-14.

<sup>21</sup> *Id.* at 113 (citing *Pa. State Educ. Ass'n v. Dep't of Educ.*, 516 A.2d 1308, 1310 (Pa. Commw. Ct. 1986)).

<sup>22</sup> *Id.* (citing *Sotak v. Nitschke*, 449 A.2d 729, 734 (Pa. Super. Ct. 1982)).

<sup>23</sup> *CRY, Inc.*, 640 A.2d at 373.

<sup>24</sup> *Id.* at 378.

<sup>25</sup> *Id.* at 375.

3. Is that right or interest essential to the merits of the issue?

4. Can justice be afforded without violating the due process rights of absent parties?<sup>26</sup>

It is apparent, the court reasoned, that the basic level of inquiry when deciding if a party is indispensable is whether or not justice can be done absent that party.<sup>27</sup>

Given the examination of the statutes and cases above, a few things can be said about Pennsylvania law prior to the case in question. There was a question as to the level of privacy interests in the information sought under the RTKL, and the relevant tests and questions regarding the inquiry into an indispensable third party have been laid out. The next two cases to be analyzed, *Pentlong Corp. v. GLS Capital, Inc.*<sup>28</sup> and *Shenango Valley Osteopathic Hospital v. Department of Health*,<sup>29</sup> deal with equity jurisdiction to avoid a multiplicity of de novo appeals and address jurisdiction of the court absent a statutory remedy, respectively. In *Pentlong Corp.*, the Supreme Court of Pennsylvania decided that taxpayers could pursue an action in equity because the legal remedy did not provide adequate relief.<sup>30</sup> Specifically, where a legal remedy would result in multiple lawsuits, the more adequate remedy is to allow equity jurisdiction in order to provide a "tidy global resolution."<sup>31</sup>

*Shenango Valley Osteopathic Hospital* dealt with the jurisdiction of the court, not in matters where the legal remedy is inadequate, but rather, in matters where there is a lack of a statutory remedy.<sup>32</sup> The court explained the doctrine of exhausting administrative remedies as a statutory restraint created by the legislature, and noted that the failure to exhaust administrative

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<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Pentlong Corp. v. GLS Capital, Inc.*, 820 A.2d 1240 (Pa. 2003).

<sup>29</sup> *Shenango Valley Osteopathic Hosp. v. Dep't of Health*, 451 A.2d 434 (Pa. 1982).

<sup>30</sup> *Pentlong Corp.*, 820 A.2d at 1245.

<sup>31</sup> *Id.* at 1245-46.

<sup>32</sup> *Shenango Valley Osteopathic Hosp.*, 451 A.2d at 437.

remedies would undercut the very foundation the legislature created for administrative jurisprudence.<sup>33</sup> However, absent an adequate administrative remedy, there is a distinctly different and more difficult situation.<sup>34</sup> Where there is a question of constitutionality and an absence of an administrative remedy, it is proper to invoke the jurisdiction of the courts.<sup>35</sup> The Supreme Court of Pennsylvania held that the Commonwealth Court of Pennsylvania properly had jurisdiction in that case.<sup>36</sup> Another case, *Commonwealth v. Duncan*,<sup>37</sup> held that "consistent[] with the realities of our modern, consumer age and the experience of other courts, [a person] does not have an expectation of privacy in his name and address that society is willing to recognize as reasonable and legitimate."<sup>38</sup>

The bottom line from this section is that, prior to the case in question, there was a balancing test regarding the dissemination of information under the RTKL, the original jurisdiction of the courts had been established and defined, the government agent had been identified, and the statutes explained declaratory relief and the denial of relief when a matter is subject to a tribunal other than a court. Additionally, the cases examined describe when a third party is indispensable and when equity jurisdiction is present, even absent exhaustion of statutory remedies.

### III. *PENNSYLVANIA STATE EDUCATION ASS'N V. DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT*

#### *A. Background*

The Appellants in this case are individual school employees and the Pennsylvania State Education Association (PSEA) (collectively, Appellants).<sup>39</sup> The Appellants sought guidance from the OOR for an advisory opinion regarding requests for the

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<sup>33</sup> *Id.* at 438.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.* at 438-39.

<sup>36</sup> *Id.* at 439.

<sup>37</sup> *Commonwealth v. Duncan*, 817 A.2d 455 (Pa. 2003).

<sup>38</sup> *Id.* at 469.

<sup>39</sup> *Pa. State Educ. Ass'n v. Dep't of Cmty. & Econ. Dev.*, 50 A.3d 1263, 1265 (Pa. 2012).

dissemination of the addresses of individual teachers employed by many school districts.<sup>40</sup> The OOR declined to give any form of advisory opinion, stating that it had already decided there is no right to privacy in the home addresses of private employees.<sup>41</sup> Across Pennsylvania, numerous requests seeking disclosure of the home addresses of school employees were filed with school districts.<sup>42</sup> The Appellants, upon learning that the individual school districts were not going to challenge the requests, filed for review with the Commonwealth Court of Pennsylvania, seeking injunctions to prevent disclosure and an order stating that the names and addresses of employees are exempt under the RTKL.<sup>43</sup> The Commonwealth Court of Pennsylvania granted the preliminary injunction on the issue of release of information and ordered "the OOR to notify [the] school districts of the existence of this litigation."<sup>44</sup> In fact, the Commonwealth Court of Pennsylvania specifically noted that the Appellants had satisfied all prerequisites for a preliminary injunction and that there was a constitutional right to privacy in the home addresses of individuals that outweighed the benefits of public disclosure.<sup>45</sup> On appeal, the Supreme Court of Pennsylvania affirmed the preliminary injunction "without prejudice to any party's right to appeal the Commonwealth Court's final disposition of these proceedings."<sup>46</sup>

Subsequently, the OOR filed objections arguing that the Commonwealth Court of Pennsylvania did not have subject matter jurisdiction and, further, that the remedies provided under the RTKL were exclusive, thus preventing the "Appellants from bringing a declaratory judgment action."<sup>47</sup> A divided Commonwealth Court of Pennsylvania held that the court lacked jurisdiction because the Appellants failed to name an indispensable

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<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.* at 1265-66.

<sup>44</sup> *Id.* at 1266.

<sup>45</sup> *Pa. State Educ. Ass'n*, 50 A.3d at 1266; *see also* *Cypress Media, Inc. v. Hazleton Area Sch. Dist.*, 708 A.2d 866, 870 (Pa. Commw. Ct. 1998).

<sup>46</sup> *Pa. State Educ. Ass'n*, 50 A.3d at 1266 (quoting *Pa. State Educ. Ass'n v. Dep't of Cmty. & Econ. Dev.*, 2 A.3d 558, 559 (Pa. 2010) (per curiam)).

<sup>47</sup> *Id.*

party as defendant to the action.<sup>48</sup> The court further explained that merely naming a Commonwealth agency is insufficient, but rather, the Appellants must name an indispensable party for relief to be granted.<sup>49</sup> "[T]he basic inquiry in determining whether a party is indispensable concerns whether justice can be done in the absence of a third party."<sup>50</sup> The majority continued its explanation, stating that the OOR was not a proper party to this action and was instead merely "the tribunal that resolves disputes between requesters and agencies."<sup>51</sup> The majority held that the OOR could not be a defendant in this action and that the only proper defendants "were the individual school districts that actually received [the] requests" for disclosure.<sup>52</sup> The majority finally concluded that under the RTKL, aggrieved parties "may 'file a written request to provide information or to appear before the appeals officer [of the OOR] or to file information in support of the requester's or agency's position.'"<sup>53</sup>

The main point of the dissent from the Commonwealth Court of Pennsylvania centered around two principle arguments; the first being that the OOR falls "within the statutory definition of 'Commonwealth government' " and the second being that the statutory procedures under the RTKL do not permit Appellants the right to appear or provide information except under limited circumstances.<sup>54</sup>

### *B. Issues on Appeal*

As a result, the Appellants appealed to the Supreme Court of Pennsylvania arguing that the Commonwealth Court of Pennsylvania erred when it refused to take jurisdiction over their claims.<sup>55</sup> This was a jurisdictional issue, which concerned only

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<sup>48</sup> *Id.*

<sup>49</sup> *Id.* at 1267.

<sup>50</sup> *Id.* (quoting *CRY, Inc. v. Mill Serv. Inc.*, 640 A.2d 372, 375 (Pa. 1994)).

<sup>51</sup> *Id.* (quoting *Pa. State Educ. Ass'n v. Dep't of Cmty. & Econ. Dev.*, 4 A.3d 1156, 1164 (Pa. Commw. Ct. 2010)).

<sup>52</sup> *Pa. State Educ. Ass'n*, 50 A.3d at 1267.

<sup>53</sup> *Id.* at 1268 (quoting 65 PA. STAT. ANN. § 67.1101(c)(1) (West 2010)).

<sup>54</sup> *Id.* at 1269.

<sup>55</sup> *Id.* at 1270.



questions of law; thus, the "standard of review [was] de novo and [the] scope of review [was] plenary."<sup>56</sup>

### *C. Arguments on Appeal*

The Appellants argued that the Commonwealth Court did have original jurisdiction over this action because the OOR, as well as other named defendants, fall under the definition of Commonwealth government because they are "officers and agencies of the Commonwealth."<sup>57</sup> Additionally, the Appellants argued that the OOR had "a significant interest in the outcome of this case" as the agency that is charged with both enforcing and interpreting the RTKL.<sup>58</sup> The OOR, according to Appellants, had an interest that is even more pronounced because under the RTKL, individuals are not able to participate in proceedings before the agency unless the agency, in its discretion, allows them to, even if the substantive rights of the individuals are affected.<sup>59</sup> Ultimately, "Appellants argue[d] that the RTKL is unconstitutional – either on its face or as applied to the disclosure of public school employees' home addresses – because it deprives them of their fundamental right to privacy without due process of law."<sup>60</sup> Appellants averred that they had a constitutional and fundamental right to privacy in their home addresses that Pennsylvania's Constitution protects beyond those rights found in the United States Constitution.<sup>61</sup>

The OOR responded to this argument by stating that it cannot possibly be an indispensable party to this matter because it is a "quasi-judicial tribunal that is not 'aggrieved by the release of another agency's records.'"<sup>62</sup> The OOR further argued that if an injunction were permitted to be entered against it, it would have the effect of the courts substituting their opinion for that of the OOR, a quasi-judicial tribunal.<sup>63</sup> As far as the asserted

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<sup>56</sup> *Id.*

<sup>57</sup> *Id.* (quoting 42 PA. CONS. STAT. § 102 (2013)).

<sup>58</sup> *Pa. State Educ. Ass'n*, 50 A.3d at 1270.

<sup>59</sup> *Id.*

<sup>60</sup> *Id.* at 1271.

<sup>61</sup> *Id.* at 1272.

<sup>62</sup> *Id.* (quoting *E. Stroudsburg Univ. Found. v. Office of Open Records*, 995 A.2d 496, 507 (Pa. Commw. Ct. 2010)).

<sup>63</sup> *Id.* at 1273.

constitutional privacy claims, the OOR relied on *Duncan* to claim that there was no longer a socially recognized privacy interest in personal names and home addresses.<sup>64</sup> The OOR specifically pointed to phonebooks, voter registration, recordings of deeds, and other items as evidence of the lack of a legitimate privacy interest in home addresses under the RTKL.<sup>65</sup> Finally, the OOR contended that absent a specific showing of risk of physical harm to the individual or the security of the individual, there was no risk created by dissemination of the information in question.<sup>66</sup>

#### *D. Holding of the Court*

The Supreme Court of Pennsylvania ultimately agreed with the Appellants and held that the OOR may "fairly be . . . regarded as an indispensable party to their efforts to secure a just, timely, and meaningful judicial resolution of their claims."<sup>67</sup> The court reasoned that initially, Appellants established that they had an interest in the grant or denial of the request under the RTKL for their personal information, and further, that the "RTKL does not make them parties to the request or the ensuing appeal process. Indeed, affected school employees are not so much as afforded required notice of requests and/or proceedings before the OOR."<sup>68</sup> The OOR's position, which was not adopted by the court, was to put the burden on the individual school districts to give notice to individuals of requests, and "the OOR may or may not permit the affected schoolteacher to participate in the proceedings."<sup>69</sup> The majority continued that this case falls under the class of cases where there is an exception to the general rule that administrative remedies must be exhausted before seeking redress in the courts of the Commonwealth.<sup>70</sup> Additionally, the court looked at the analysis in *Kowenhoven v. County of Allegheny*,<sup>71</sup> finding further support

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<sup>64</sup> *Pa. State Educ. Ass'n*, 50 A.3d at 1274.

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> *Id.* at 1274-75.

<sup>69</sup> *Id.* at 1275.

<sup>70</sup> *Pa. State Educ. Ass'n*, 50 A.3d at 1276 (citing *Kowenhoven v. Cnty. of Allegheny*, 901 A.2d 1003, 1012 (Pa. 2006)).

<sup>71</sup> *Kowenhoven v. Cnty. of Allegheny*, 901 A.2d 1003 (Pa. 2006).

for this exception in order to avoid a multiplicity of de novo appeals, and instead fashioned a resolution of the overall procedures.<sup>72</sup> Finally, when deciding whether a third party is an indispensable party, the basic inquiry remains "whether justice can be done in the absence of a third party," and here, justice could not be had absent the OOR as a third party.<sup>73</sup>

### *E. Concurring Opinions*

Chief Justice Castille filed a concurring opinion.<sup>74</sup> Justice Castille alluded to the same problem that he saw in *SWB Yankees LLC v. Wintermantel*;<sup>75</sup> specifically, that there is a serious gap in the administrative and judicial review standards under the RTKL.<sup>76</sup> The Chief Justice agreed with the outcome of the majority, while also pointing out instances where quasi-judicial agencies in the Commonwealth participate as parties in appeals to the Commonwealth Court of Pennsylvania and instances in which the "walls of division" allow both adjudication and prosecution in compliance with due process.<sup>77</sup> Finally, the Chief Justice agreed that the individuals in this case are the ones left with no legal recourse under the current statutory scheme.<sup>78</sup>

Justice Todd also filed a concurring opinion.<sup>79</sup> First, the opinion states that nothing in the majority opinion should be read to alter the requirements for "original jurisdiction of the Commonwealth Court."<sup>80</sup> Also, the opinion looks at the present case in the context of jurisdiction of the court and determines that because the RTKL does not provide any other meaningful relief,

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<sup>72</sup> *Pa. State Educ. Ass'n*, 50 A.3d at 1276-77.

<sup>73</sup> *Id.* at 1277.

<sup>74</sup> *Id.* at 1278 (Castille, C.J., concurring).

<sup>75</sup> *SWB Yankees LLC v. Wintermantel*, 45 A.3d 1029, 1044-50 (Pa. 2012) (Castille, C.J., concurring) (comparing issues seen in previous cases under the RTKL with the current case).

<sup>76</sup> *Pa. State Educ. Ass'n*, 50 A.3d at 1278-79 (Castille, C.J., concurring).

<sup>77</sup> *See id.* at 1279-81.

<sup>78</sup> *Id.* at 1281.

<sup>79</sup> *Id.* (Todd, J., concurring).

<sup>80</sup> *Id.*

the Commonwealth Court of Pennsylvania was erroneous in its suggestion that it lacked jurisdiction to hear this complaint.<sup>81</sup>

#### *F. Dissenting Opinion*

Justice Eakin filed a dissenting opinion.<sup>82</sup> Justice Eakin's first premise is that because the OOR is a quasi-judicial tribunal, it cannot be "an indispensable party to this action."<sup>83</sup> Justice Eakin further observes that "[a]n adjudicatory agency serves as an independent decision-maker with no interest in the underlying matter."<sup>84</sup> Further, he argues that "[i]t is fundamental that litigants exhaust" administrative remedies before appealing to the courts.<sup>85</sup> Finally, Justice Eakin states that "[a]s a quasi-judicial tribunal, the OOR has no cognizable interest in the outcome" of this adjudication and that the inconvenience of the process does not mean it is inadequate; as such, the OOR is not an indispensable third party.<sup>86</sup>

#### IV. EVALUATION

It appears that the court solves this problem correctly. The OOR is a quasi-judicial tribunal, but the processes and arguments furthered by the OOR under the RTKL are inadequate. Precedent establishes that the court can rule in this manner where the administrative process is inadequate to resolve individual grievances, which would result in a multiplicity of appeals to the courts. Further, as a matter of fundamental due process, individuals have a right to notice of requests for their personal information and a right to respond to such requests, which the current statutory scheme of the RTKL does not provide. In addition, to request that individual school districts adopt policies which provide notice to individuals is not a cognizant solution. The global resolution provided by the Supreme Court of Pennsylvania gives future

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<sup>81</sup> *Id.* at 1282.

<sup>82</sup> *Pa. State Educ. Ass'n*, 50 A.3d at 1282 (Eakin, J., dissenting).

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> *Id.* at 1283.

<sup>86</sup> *Id.*

guidance in matters under the RTKL where there are requests for personal information. This rationale can likely go beyond the facts of this case concerning the personal information of schoolteachers to other RTKL requests, where individuals have no other notice or opportunity to be heard when their personal information has been requested.

#### V. CONCLUSION

Ultimately, in this case, the Supreme Court of Pennsylvania held that even though the OOR is a quasi-judicial tribunal, it was an indispensable third party to the individual claims under the RTKL, and that jurisdiction was proper in the courts where administrative remedies do not provide due process to aggrieved individuals under the RTKL.

This case has the potential to have a large impact on Pennsylvania administrative law. Although the OOR argued that it possessed no interest in the outcome of this case, it is clearly important to realize that the OOR does have an interest. This decision now affects how the OOR operates moving forward, and may even have the effect of a future rulemaking to allow individuals a right to be heard in administrative processes, rather than force them to be subject to the OOR's discretion. Finally, this case shows the importance of the fundamental rights of both privacy and due process in that it is paramount, particularly where privacy interests are at stake, that due process be afforded to individuals affected by the potential release of information.

*Andrew Race*\*

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\* J.D. Candidate, Widener University School of Law (Harrisburg), May 2014. This survey is dedicated to my Grandfather, Paul, and my Grandmother, Esther, in heaven, and to my dad, Mark Sr. Without your love, guidance, and support, I could never have accomplished this or any other feat in my life. I am eternally grateful to have such a supporting family; I would also like to thank the Professors at Widener University and Penn State – Wilkes-Barre who have guided me throughout my education and helped to shape me into the man I am today and the lawyer I will be in the future.