

Comments of the Independent Regulatory Review Commission



Pennsylvania Gaming Control Board #125-84 (IRRC #2691)

Releases

July 2, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the May 3, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

General. – Need; Reasonableness; Clarity.

Right-to-Know Law reference

Three different subsections of this regulation require executed releases that would allow the Board to obtain further information under the Pennsylvania Right-to-Know Law (Law) and the federal Freedom of Information Act (Act). Board staff has indicated that this is partially to obtain certain criminal information about the applicant. However, we note that a public record request under the Law would not yield access to this information. Additionally, we note that, under the Law, public records are accessible even without a signed release from the subject of the records. Therefore, we question why the Law is included in the proposed regulation. The Board should explain the need for an applicant to execute a release from the Law or it should delete it from the appropriate sections.

Confidentiality of information

Numerous commentators have expressed concern about whether the information obtained through the execution of a release would be protected by the confidentiality restrictions that the Board currently has in place or the confidentiality of information provided for under the Law and the Act. The final-form regulation should specify how this information will be protected.