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Middleton, WI 53562

Hon. Eugene DePasquale
Pennsylvania House of Representatives
One Marketway West
1st Floor Suite 12A
York, PA 17401

January 3, 2012

Dear Rep. DePasquale:

When I announced my campaign for Penn State trustee last month, I promised to propose changes that would promote transparency at the university. Today I offered a plan that is based on Pennsylvania's Right to Know Law and designed to make the university more responsive to information requests.

You have also introduced legislation that would make Pennsylvania's open records law fully applicable to Penn State. But the university is an independent, private institution, with only 15 percent of its annual income composed of tax dollars, and forcing it to follow rules designed for local school boards and municipal councils would hurt its ability to compete with other similar colleges.

However, nothing prevents private organizations from releasing most information on their own, and Penn State should seize the initiative to do exactly that. That's why I pledge, if elected, to propose rules that will allow access to most records while adding reasonable privacy protections for Penn State employees and sensitive university activities.

The core of my plan is the adoption of the Right to Know Law as a Board of Trustees policy, with a few modifications.

First, we'd allow access to records of police and internal investigations. The state law exempts all such records from public inspection, an overly broad provision that gives law enforcement far too much power. Instead, my plan would withhold or redact records only when their release would not be in the public interest, a provision contained in Maryland's open records law.

Second, we'd keep a limited amount of information private that would reduce Penn State's ability to compete with other similar-sized universities, such as investment records, third-party licensing deals, trade secrets and certain personnel information. Donor identities would also remain off-limits, unless the contributor allows its release.

Finally, my plan would create an office to handle requests for records. And it would designate an appeal process that allows the Board of Trustees to reverse any records decision made by Penn State administrators.

In the wake of the recent child sexual abuse scandal, I share your concern for transparency. But I think we can agree that expanded access to university records wouldn't have prevented the tragedy that enveloped Penn State late last year.

That's why I'd like you to delay passage of your bill until new trustees have a chance to implement changes later this year. As a former journalist, I assure you that my commitment to transparency cannot be surpassed. And if I'm lucky enough to be elected to the Board of Trustees, I promise to work with you to achieve the outcome you desire, while allowing Penn State to retain its right to operate independently and privately.

Sincerely,

Ryan Bagwell
Candidate for the Penn State Board of Trustees