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In re Right to Know Law Request Served on Venango County's Tourism Promotion Agency, Lead Economic Development Agency

Commonwealth Court of Pennsylvania - January 3, 2014 - A.3d - 2014 WL 28676

Requestor sought review of determination of the Office of Open Records (OOR) that regional alliance of businesses, industry, and tourism was not a local agency subject to the Right-to-Know-Law (RTKL). The Court of Common Pleas affirmed. Requestor appealed.

The Commonwealth Court held that:

- Trial court's error in applying deferential standard of review was harmless error;
- Status of alliance as an industrial development agency did not render alliance a local agency for purposes of the RTKL; and
- Alliance did not meet definition of a local agency as a "similar governmental entity" to a local agency.

Status of regional business and tourism alliance as an industrial development agency under the Industrial Development Authority Act did not render alliance a local agency which would be subject to the RTKL. Functions of an industrial development agency, including assisting economic development and stimulating the local economy, though laudable, were not essentially governmental in nature.

Regional business and tourism alliance did not meet definition of a local agency, as would be subject to the RTKL, as a "similar governmental entity" to a local agency, despite argument that alliance received public funds. Most of alliance's board members were representatives from the private sector and thus there was no evidence of government control, primary functions of alliance, including economic development and community stewardship, did not fulfill a core purpose of a government agency, and government financing of alliance was small compared to private contributions.