

**COMMONWEALTH OF PENNSYLVANIA
STATE HORSE RACING COMMISSION**

IN RE: POLICY GOVERNING :
CONFIDENTIALITY OF :
INFORMATION : **Administrative Docket 2017-14**
:

ORDER

AND NOW, this 26th day of October, 2017, pursuant to §9311 (g) (1) of Act 114 of 2016 (“Race Horse Industry Reform”) (3 Pa. C.S. §9311 (g) (1)) the Commission hereby amends the and supersedes the previously adopted policy and Order of December 21, 2016, to designate the following documents and records as confidential.

(1) The following information submitted by an applicant or licensee relating to applications and/or renewals to conduct horse race meetings pursuant to section 9318 (relating to horse race meetings), section 9323 (relating to occupational licenses for individuals), section 9353 relating to additional licensing requirements, including but not limited to electronic wagering applications/petitions, or any other application or petition designated by the commission, and other information obtained by the commission as part of a background or other investigation from any source shall be confidential and withheld from public disclosure:

(i) All information relating to character, honesty and integrity, including family, habits, reputation, history of criminal activity, business activities, financial affairs and business, professional and personal associations submitted under sections 9318, 9323 or 9353 of the Racing Act or otherwise obtained by the commission.

(ii) Nonpublic personal information, including home addresses, telephone numbers and other personal contact information, Social Security numbers, educational records, memberships,

medical records, tax returns and declarations, actual or proposed compensation, financial account records, creditworthiness or financial condition relating to an applicant, licensee or permittee or the immediate family thereof.

(iii) Information relating to proprietary information, trade secrets, patents or exclusive licenses, architectural and engineering plans and information relating to competitive marketing materials and strategies, which may include customer-identifying information or customer prospects for services subject to competition.

(iv) Security information, including risk prevention plans, detection and countermeasures, location of count rooms, emergency management plans, security and surveillance plans, equipment and usage protocols and theft and fraud prevention plans and countermeasures.

(v) Information with respect to which there is a reasonable possibility that public release or inspection of the information would constitute an unwarranted invasion into personal privacy of any individual as determined by the commission.

(vi) Records of an applicant or licensee not required to be filed with the Securities and Exchange Commission by issuers that either have securities registered under section 12 of the Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C. § 78l) or are required to file reports under section 15(d) of the Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C. § 78o).

(vii) Records considered nonpublic matters or information by the Securities and Exchange Commission as provided by 17 CFR 200.80 (relating to commission records and information).

(viii) Financial information or records submitted by the applicant or licensee.

(2) No claim of confidentiality shall be made regarding any criminal history record information that is available to the public under 18 Pa.C.S. § 9121(b) (relating to general regulations).

(3) No claim of confidentiality shall be made regarding any record in possession of the commission that is otherwise publicly available from a Commonwealth agency, local agency or another jurisdiction.

(4) Except as provided in 4 Pa.C.S.A. 1517(f), the information made confidential pursuant to this section shall be withheld from public disclosure in whole or in part, except that any confidential information shall be released upon the order of a court of competent jurisdiction or, with the approval of the Attorney General, to a duly authorized law enforcement agency or shall be released to the public, in whole or in part, to the extent that such release is requested by an applicant or licensee and does not otherwise contain confidential information about another person.

(5) The commission may seek a voluntary waiver of confidentiality from an applicant or licensee but may not require any applicant or licensee to waive any confidentiality provided for in this subsection as a condition for the approval of an application, renewal of a license or any other action of the commission.

(6) No current or former member and no current or former employee, agent or independent contractor of the commission or the Department of Agriculture, who has obtained confidential information in the performance of duties under the Racing Act shall intentionally and publicly disclose the information to any person, knowing that the information being disclosed is confidential under this policy, unless the person is authorized by law to receive it.

**BY THE PENNSYLVANIA STATE
HORSE RACING COMMISSION**



Russell C. Redding, Chairman