

# ALLEGHENY COUNTY DEPARTMENT OF HUMAN SERVICES

Marc Cherna, Director

Dan Onorato, Allegheny County Executive

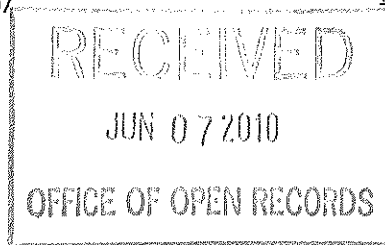
Executive Office  
Human Services Building  
One Smithfield Street, Suite 400  
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June 2, 2010

Terry Mutchler, Executive Director  
Office of the Open Records  
400 North Street  
Harrisburg, PA 17120



Dear Ms. Mutchler,

I am writing to the Office of Open Records (OOR) to request an Advisory Opinion pursuant to the Right to Know Law, 65 P.S. § 67.101, eq set.

The Allegheny County Department of Human Services (DHS) recently began an initiative to systemically improve the quality of the services it offers to clients. As part of this project, the Department created a research office, and then developed a research agenda with input from both management and staff throughout the organization. Since the delivery of human services heavily depends on staff, one of the top items on that agenda is to measure the satisfaction of employees and develop interventions to improve workplace quality and enhance staff recruitment and retention efforts. DHS believes that the one critical source of information for this project is a survey of its employees.

This survey will be open to all DHS county and contracted staff, and will ask questions, ranging from whether an employee believes their supervisor is trustworthy to whether that employee is actively looking for other job opportunities. DHS intends to distribute the final aggregate results of this project to staff and plans to publish a final report on the project on its website. However, DHS is concerned that the raw surveys and any intermediate work product, which would not contain names, but does contain enough demographic information collected for legitimate research purposes to potentially identify individual respondents, could, if released, not only violate a confidentiality statement included in the survey, but also damage the very workplace the project intends to assess.

Internally, DHS will protect the individual responses by strictly limiting access to survey administrators who will only release "de-identified and aggregate [results when those individuals] believe in good faith that no single individual could be associated with any particular answer."

Do you believe that the individual responses of employees who choose to complete this survey are obtainable through the Right to Know Law? How might we implement a survey that ultimately improves the DHS workforce while protecting the individuals and the workplace we intend to continuously improve?

Allegheny County, and specifically the Allegheny County Department of Human Services, thank you in advance for any guidance that you are able to provide.

Sincerely,

Marc Cherna, Director



July 12, 2010

Marc Cherna  
Director  
Allegheny County  
Department of Human Services  
Human Services Building  
One Smithfield Street, Suite 400  
Pittsburgh, PA 15222-2221

Re: Advisory Opinion request

Dear Mr. Cherna:

On June 7, 2010, the Office of Open Records received your request for an advisory opinion. In that request, you seek guidance from the OOR as to whether the contents of an employee survey would be public information under the Right-to-Know Law. In addition you sought guidance on how to implement a survey that improves the workforce and also protects the individuals and workplace. Please be advised that the OOR has decided not to grant your request for an Advisory Opinion at this time.

The OOR declines to issue an advisory opinion because the request seeks a response to general legal questions without presenting sufficiently specific facts to which the law may be applied. The issues you raise are properly addressed within the RTKL appeal process that permits a full examination of all the facts surrounding a specific request or type of request. In addition, the process allows for the government agency to present its position on the retention of such information/records.

If you have any additional questions, please do not hesitate to contact our office.

Respectfully,

A handwritten signature in black ink, appearing to read "Terry Mutchler", is written over a light blue horizontal line.

Terry Mutchler  
Executive Director