

Senate Communications & Technology Committee

09/29/2026, 9:30 a.m., Room 8E-A, East Wing

Julia Walters, Pennsylvania Legislative Services

The committee met to consider one bill.

[SB 1408](#), Prime Sponsor: Sen. Tracy Pennycuick (R-Berks) – (PN 1891) The Data Center Nondisclosure Agreement Prohibition Act prohibits certain nondisclosure agreements between public agencies and data centers. Defines “data center” and “public agency.” Prohibits an agency from entering into an agreement with the owner or operator of a data center or a person acting on behalf of a data center concerning the construction, development or location of the data center, if the agreement prohibits or otherwise limits the public agency from disclosing information about the data center, the construction, development or location of the data center or the agreement to the public. Declares an agreement made in violation of section 3 (prohibition) void and unenforceable. Effective in 60 days. The bill was unanimously reported as amended.

A04297, by Pennycuick, makes a technical amendment adding the word “public” on page two, line six. The amendment was unanimously adopted.

Chair Tracy Pennycuick (R-Berks) stated, while data centers are part of Pennsylvania’s economy, “decisions that drastically shape a community should not be made behind closed doors.” She added that communities are “left in the dark” when data center developers require non-disclosure agreements (NDAs). Chair Pennycuick said local leaders should “be free to speak openly” with their residents about developments. She detailed how the bill prevents local and state agencies from signing restrictive agreements regarding what officials can and cannot say to their communities about a data center project. “Transparency is essential to local control, and I ask my colleagues to support this bill so residents have a meaningful voice in decisions that will affect them for years to come,” Chair Pennycuick continued.

Sen. James Malone (D-Lancaster) mentioned that an NDA is unnecessary for “these specific contracts” and municipalities. “Municipalities already have explicit points where they can have executive session for very delicate issues,” he added.