

**WEST POTTS GROVE TOWNSHIP
POLICY FOR IMPLEMENTING THE
PENNSYLVANIA RIGHT-TO-KNOW LAW**

The purpose of this policy is to assure compliance with the Pennsylvania Right-To-Know Law, Act 3 of 2008, and 65PS Section 67.101 to provide access to public records of West Pottsgrove Township (Hereinafter referred to as Township). To preserve the integrity of Township Records, and to minimize the financial impact to the residents of the Township regarding the resource utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

It is the policy of the Township to conform to all regulation in accordance with the Pennsylvania Open Records Law. The Board of Commissioners of West Pottsgrove Township designates the Township Manager as the Open Records Officer and the Chief of Police as the Deputy Open Records Officer as responsible for assuring compliance with the Pennsylvania Open Records Law in accordance with the following guidelines.

- 1- The Open Records Officer may designate certain employee(s) to process public records.
- 2- The Township Manager is responsible for minimizing, where possible the financial impact to the Township and requester regarding the resources utilized in the receipt and processing of public records.
- 3- All requests for public records of the Township under this policy shall be specific in identifying and describing each public record requested. In no case shall the Township be required to create a public record that does not exist or to compile, maintain format or organize a public record in a manner that the Township does not currently compile, maintain, format or organize the public record. All requests for public records will be submitted in writing and on a form provided by the Township entitled "Public Record Review/Duplication Request, which is attached hereto and marked as Exhibit "A."
- 4- The designated employee will under the guidelines set forth by the act determine whether each record requested is a public record.
- 5- The Township will facilitate a reasonable response to a request for Township public records. In no case is the township expected to provide extraordinary staff to respond to the request, but will respond in a manner consistent with the township administrative responsibilities and consistent with the Open Record Law.

- 6- The Open Records Officer shall respond to the requester within five (5) business days from the date of receipt of the written request. The five day period will begin the day after the request is received and dated. If the Township does not respond with five (5) business days of receipt the request is deemed denied.
- 7- The response provided by the Township shall consist of (1) approval for access to the public record; (2) review of the request for access and provide more time for response; or (3) Denial of the request for access to public records.
- 8- If access to a public record is approved, the record shall be available during regular business hours of the Township. The Open Records Officer shall cooperate fully with the requester, while also taking reasonable measures to protect Township public records from the possibility of theft and/or modification. The presence of a designated employee is required when public records are examined and inspected.
- 9- Fees for duplication shall be as regulated by the act at 25 cents (.25) per page. Postage shall be charged at the actual cost incurred. Reproduction of blue prints, plans or other specialized documents will be charged at the actual cost incurred.
- 10- In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed \$100, the Open Records Officer shall obtain one hundred percent (100%) of the expected cost in advance of fulfilling the request to avoid unwarranted expenditure of Township resources.
- 11- If the request is being reviewed, the notice of review provided by the Township shall be in writing and include the reason for review and the expected response date which shall be within 30 days of the notice of review. The form of notice of request to review is attached as Exhibit B. If the Township does not respond within thirty days thereof, the request is denied. Review of the request is limited to situations where;
 - (a) The record requested contains information which is subject to access, as well as information which is not subject to access that must be redacted prior to grant access. The redacted information is considered a denial as to that information.
 - (b) The record requires retrieval from a remote location
 - (c) A timely response cannot be accomplished due to staffing limitations
 - (d) A legal review is necessary to determine if the record is public
 - (e) The requester has failed to comply with the Township's policy
 - (f) The requester refuses to pay the applicable fees.
 - (g) The extent or nature of the request precludes a response within the required time period.

- 12- If access to the record requested is denied the notice provided by the Township shall be in writing. Attached and made part hereof is a form of "Denial of Request to Review and or/ Duplicate Records, marked as Exhibit C.
- 13- If a request is denied or deemed denied, the requester may file an appeal in writing within 15 business days of the mailing of the Townships notice of denial or within 15 business days of a deemed denial. The appeal must (a) indicate the date of the original request; (b) identify and describe the record(s) requested are public records; and (d) address any grounds stated by the Township in the notice of denial. Appeals are filed with the Pennsylvania Opens Records Office.
- 14- The Office of Open Records shall review the appeal and make a final determination, which shall be mailed to the requester and the Township within 30 days of the receipt of the appeal. If the Office of Open Records fails to issue a final determination within 30 days, the appeal is deemed denied.
- 15- Prior to the issuance of a final determination, a hearing may be conducted by the Office of Open Records. The determination of the Office of Open Records shall be a final Order. The office shall provide a written explanation of the reason for the decision to the requester and the Township.
- 16- This policy shall be posted conspicuously at the Township.
- 17- This policy shall take effect immediately upon approval and adoption by the Board of Commissioners.

This policy has been approved and adopted by the Board of Commissioners of West Pottsgrove Township this _____ day of _____ 2009.

President
West Pottsgrove Township Board of
Commissioners

Secretary,
West Pottsgrove Township

EXCEPTIONS

Pennsylvania's new Right-To-Know Law contains exceptions for 30 categories of records summarized as follows:

- 1- Loss of funds/personal security
- 2- Public safety
- 3- Infrastructure security
- 4- Computer security
- 5- Health records
- 6- Personal identification
- 7- Personnel records
- 8- Collective bargaining negotiations
- 9- Drafts
- 10- Deliberations/strategy
- 11- Trade secrets
- 12- Working papers
- 13- Donations
- 14- Unpublished academic papers
- 15- Academic Transcripts
- 16- Criminal investigative records
- 17- Non-criminal investigative records
- 18- 911 calls
- 19- DNA & RNA
- 20- Autopsies
- 21- Draft minutes
- 22- Appraisals & Reviews
- 23- Library & archive users
- 24- Library & museum donors
- 25- Endangered sites & species
- 26- Contract bids
- 27- Insurance Company Communications
- 28- Social services
- 29- Constituents
- 30- Minors (17 or younger)

When a request is made for any of the above it will be determined by the Open Records Officer if the request is compliant with the exceptions list.

HOW TO FILE A RIGHT TO KNOW REQUEST

All right to know request should be made in writing. You may make the request in person, by mail, fax, or e-mail. You may make a verbal request, but to preserve your right to appeal a negative decision, you must put your request in writing.

A request form is provided by the Township (Exhibit A) or you can access a standard request form from the Open Records web site <http://openrecords.state.pa.us>.

Your request must be specific enough for the Township to understand what record you want. The Township may have to ask questions to fulfill your request.

Request for information may be filed by any legal resident of the United States of America.

Disruptive requests for records can be denied by the Township. If the requester has made repeated requests for the same record and those requests place an unreasonable burden on the Township they can be denied.

A request for certification of an open record will be assessed a fee of \$15.00. All copies shall be charged at a rate of .25 per sheet.

The Township reserves the right to waive fees for cause.

Information on the Open Records Policy may be found on the West Pottsgrove Web Site.

**WEST POTTS GROVE TOWNSHIP
PUBLIC RECORD REVIEW/DUPLICATION REQUEST**

Please print legibly

Date of Request _____

Requesters Name _____

Requesters Address _____

Requesters Telephone _____

I request review duplication of the following records.

Important: You must identify or describe the records with sufficient detail/specificity to enable the Township to determine which records are being requested. Use additional sheets if necessary.

I certify that I am a legal resident of the United States of America

Signature of Requester

This request may be submitted in person, by mail, fax, or email to:

Edward Whetstone, Manger/Open Records Officer
Earl Swavely, Chief of Police/Deputy Open Records Officer
980 Grosstown Road
Stowe, Pa. 19464

To be completed by Township

Request No. _____ Date Received _____

Action Taken:

Approved Date of Approval: _____

Denied Date of Denial/notice mailed: _____

Additional Review Date of Notice mailed: _____

Exhibit A

**NOTICE OF REQUEST TO REVIEW AND/OR DUPLICATE
WEST POTTSBORO TOWNSHIP RECORDS**

Date of notice that request for access is being reviewed: _____

Requesters Name: _____

Requesters Address: _____

RE: Review of request and /or duplicate West Pottsgrove Township Records.

Request No _____

Date of Request _____

Dear Mr./Mrs./Ms. _____

Please be advised that your request for access is being reviewed for the following reasons:

___ The record requested contains information which is subject to access, as well as information which is not subject to access that must be redacted prior to a grant of access. The redacted information is considered a denial as to that information.

___ The record requires retrieval from a remote location.

___ A timely response cannot be accomplished due to staffing limitations.

___ A legal review is necessary to determine whether the record requested is public.

___ The requester has failed to comply with the Township guidelines for records.

___ The requester refuses to pay the applicable fees.

___ The extent or nature of the review precludes a response within the required time period.

The Township expects to have a response to your request within thirty (30) days from the Date of this notice. If the Township does not respond within thirty (30) days from the date of this notice, the request is deemed denied.

Exhibit B

**DENIAL OF REQUEST TO REVIEW AND/OR DUPLICATE
WEST POTTSBORO TOWNSHIP RECORDS**

Date of Denial: _____

Requesters Name: _____

Requesters Address: _____

RE: Denial of request to review and/or duplicate West Pottsgrove Township Records

Request No. _____

Date of Request _____

Dear Mr./Mrs./Ms./ _____

Please be advised that your request to review/duplicate the following records:

Has been denied for the following reasons:

The denial is based upon the following legal authority:

You have the right to appeal this decision in writing to the Pennsylvania Office of Open Records with 15 business days from the date of denial. You can obtain an appeal form at the Open Records web site <http://openrecords.state.pa.us>.

Exhibit C