

# **UPPER LEACOCK TOWNSHIP**

## **POLICY REGARDING ACCESS TO PUBLIC (OPEN) RECORDS**

### **REQUEST:**

The purpose of this policy is to assure compliance with the Pennsylvania Right-to-Know Law, 65 P.S. Section 66.1 et seq., as amended, to provide access to public records of the Township of Upper Leacock, to preserve the integrity of the Township's records, and to minimize the financial impact to the residents of the Township of Upper Leacock regarding resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

Public records will be available for inspection and copying at the Township Office during normal business hours, Monday through Friday, 8:00 a.m. to 4:30 p.m., with the exception of holidays. It is policy of the Township of Upper Leacock to require the presence of a designated employee when public records are examined and inspected and to charge reasonable fees for duplication of public records of the Township. The Upper Leacock Township Board of Supervisors designates the Right to Know Officer as responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines:

The Right to Know Officer may designate certain employee(s) to process public record requests. The Right to Know Officer is responsible for minimizing, where possible, the financial impact to the Township regarding resources utilized in the receipt and processing of public record request and the retrieval and copying of public records.

All requests for public records under this policy must be in writing and directed to the attention of, the Right to Know Officer, Upper Leacock Township, 161 Newport Road, Leola, PA 17540. Written requests must be on a form provided by the Township entitled "Record Request Form" and should include the date of the request, the name and address of the requester, and shall be specific in identifying and describing each public record requested. In no case shall the Township of Upper Leacock be required to create a public record which does not exist or to compile, maintain, format or organize a public record in a manner in which the Township does not currently compile, maintain, format or organize the public record. If access to the public record requested is approved, the public record shall be available for access during the regular business hours of the Township of Upper Leacock.

**FEES:**

Fees for duplication of records shall be as follows:

1. Paper copies will be \$0.25 per page per side.
2. If mailing is requested, the cost of postage will be charged.
3. Fax copies will be available at the cost of \$0.50 per page
4. If "True and Correct Certification" is requested, an additional charge of \$2.00/page will be added.
5. In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed \$100.00, the Township of Upper Leacock will require prepayment of fifty percent (50%) of the expected cost in advance of fulfilling the request to avoid unwarranted expense of the Township of Upper Leacock's resources.

**RESPONSES:**

The Township will make a good faith effort to provide the requested public records as promptly as feasible. The Right to Know Officer shall make a good faith effort to determine whether each record requested is a public record. Township employees shall cooperate with those requesting to review and/or duplicate original Township documents while taking reasonable measures to protect Township documents from the possibility of theft and/or modification.

The Right to Know Officer shall review all written requests for access to public records. In no case is the Right to Know Officer expected to provide extraordinary staff to respond to the request. As soon as possible, but no later than five (5) business days after receiving a written request to access public records, the Right to Know Officer shall respond to all such requests in a manner consistent with Act 100 of 2002, the Open Records Law. If the Right to Know Officer does not respond within five (5) business days of receipt thereof, the request is deemed denied.

The response provided by the Right to Know Officer shall consist of: (a) approval for access to the public record, (b) review of the request by the designated employee, or (c) denial of access to the record requested.

If the request is being reviewed, the notice provided by the Right to Know Officer shall be in writing and include the reason for the review and the expected response date, which shall be within thirty (30) days of the notice of review. If the Right to Know Officer does not respond within thirty (30) days thereof, the request is deemed denied. Review of the request is limited to situations where:

1. 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;

2. The record requires retrieval from a remote location;

3. A timely response cannot be accomplished due to staffing limitations;

4. A legal review is necessary to determine whether the record requested is a public record;

5. The requester has failed to comply with the Township's policy and procedure requirements; or

6. The requester refuses to pay the applicable fees.

If the access to the record requested is denied, the notice provided by the Right to Know Officer shall be in writing as indicated on the form attached entitled "Denial of Request to Review and/or Duplicate Upper Leacock Township's Records."

#### **APPEALS PROCESS:**

If a written request is denied or deemed denied, the requester may file exceptions with the Board of Supervisors within fifteen (15) business days of the mailing date of the Township's denial, or within fifteen (15) days of a deemed denial. The exception must:

1. Indicate the date of the original request;

2. Identify and describe the record(s) requested;

3. State the grounds upon which the requester asserts the record(s) is a public record; and

4. Address any grounds stated by the Township of Upper Leacock in its notice of denial.

The Board of Supervisors shall make a "final determination" on the exceptions within thirty (30) days of the mailing date of the exceptions, unless extended by the parties. The Board of Supervisors may hold a hearing on the issue during the 30 days. If the Board determines that the denial was correct, it must provide written explanation to the requester.

The requester may appeal a final determination to the Common Pleas Court or District Justice within 30 days of denial or final determination.

This policy shall be posted in a conspicuous location in the Township Office building. This policy shall take effect on December 26, 2002.

Revised oad04/21/2021