

City of Sunbury
Right-to-Know Law Policy

(Adopted January 22, 2018 pursuant to 65 P.S. § 67.504(a))

Effective January 22, 2018

I. Authority

The City of Sunbury (“Agency”) adopts this policy pursuant to Section 504(a) of the Right-to-Know Law, 65 P.S. §§ 67.101-67.3104, *et seq.* (“RTKL”).

II. Definitions

All of the definitions set forth in the RTKL, as amended from time to time, are incorporated in this policy by reference.

Business Day. The regular business hours of the Agency are Monday through Friday from 8:30 a.m. to 4:30 p.m. Business days exclude Saturday and Sunday and a weekday where the Agency is closed for business.

III. Submitting a RTKL Request to the Agency

A. Open Records Officer. The Agency has designated an Open Records Officer to respond to RTKL requests.

The contact information for the Agency’s Open Records Officers is:

For General City Records and/or Police Department Records:

By mail/in person: Terry Specht, City Clerk
225 Market Street
Sunbury, PA 17801

The Agency Open Records Officer’s contact information is posed on the Agency website at www.sunburypa.org/open-records.html.

B. Request. Requests *must* be submitted in writing using the Agency RTKL Request Form available on the City of Sunbury website and be addressed to the Agency Open Records Officer. If a requester chooses not to use the Agency RTKL Request Form, the request will be considered an informal request, not subject to the RTKL. To allow the Agency to locate requested records and determine whether those records are public, requests for records should be specific and concise and clearly identify as precisely as possible the records sought. Requesters should retain a copy of the request for their file, as a copy of the request is necessary should a requester appeal the Agency response.

C. Receipt of the Request. The Agency shall be deemed to be in receipt of the request on the business day the Agency Open Records Officer receives the request. Any

request that is received by the Agency after the close of regular business hours shall be deemed to be received on the next business day. If the request is received by an Agency employee other than the Agency Open Records Officer, the request will be forwarded to the Agency Open Records Officer as soon as practical.

- D. Verbal and Anonymous Requests.** The Agency will not respond to verbal and anonymous requests for records. Requesters submitting verbal and anonymous requests for records may not pursue the remedies available to a requester under the RTKL.
- E. Response Period.** The Agency has five (5) business days to respond to a request for records under the RTKL. If an Agency does not respond, the request is considered “deemed denied” and a requester’s appeal rights commence.

IV. Agency Response

- A. Interim Response.** The Agency is permitted to take an additional thirty (30) days to respond to any request for the reasons set forth in Section 902 of the RTKL, 65 P.S. § 67.902. If the Agency invokes an extension, the Agency will inform the requester in writing.
- B. Requester Agreement to Extend the Response Period.** The requester may agree, in writing, to extend the request period beyond thirty (30) days. The requester must agree to the extension during the five (5) business days or Agency extend response period.
- C. Final Response.** The Agency may grant a request, partially grant and partially deny a request, or deny a request in its entirety. The final response of the Agency will be in writing. Should the Agency fail to issue a response within the applicable period, the request is deemed denied.
 - 1. Granting Access to Records.** The Agency may grant a request for records by issuing a response: (1) granting access to inspect Agency records during the Agency’s regular business hour; (2) sending copies of the records to the Requester; or (3) by notifying the requester that the records are available on the Agency website or other publicly accessible electronic means.
 - 2. Denying or partially denying access to records.** Should the Agency deny or partially deny a request for records through redaction or otherwise, the Agency will inform the requester of the denial or partial denial in writing. The response will inform the requester that the Agency does not possess the responsive record or, if the information is exempt from public access, provide a citation to the relevant legal basis for withholding the requested information.
- D. Fees**

1. **Generally.** The Agency shall impose fees for duplication and postage under the RTKL in accordance with the Office of Open Records (“OOR”) Fee Schedule (attached hereto as Exhibit “A.”).
2. **Postage.** The Agency shall charge the actual cost of mailing the response.
3. **Duplication Fees.**
 - a. *Requests where duplication fees exceed \$100.* Prior to granting a request for access, the Agency may require a requestor to prepay an estimate of the fees authorized if the fees required to fulfill the request are expected to exceed \$100.
 - b. *Requests where access is granted, but prepayment of duplication fee is required in response.* All applicable fees must be paid in order to receive access to the records requested.
 - c. *Complex and extensive data sets.* Special fees apply to complex data sets, including geographic information systems (“GIS”) or integrated property assessment lists.
 - i. Generally. Fees for copying complex data sets may be based on the reasonable market value of the same or closely related data sets.
 - ii. Exception. Requests made on behalf of certain groups are not calculated by the reasonable market value. Instead, the duplication fees are calculated based on the duplication rates established by the OOR. The groups include:
 - I. A request by an individual employed by or connected with a newspaper or magazine or general circulation, weekly newspaper publication, press association or radio or television station, for the purposes of obtaining information for publication or broadcast.
 - II. A request by a nonprofit organization for the conduct of educational research.
 - d. *Certified copies.* If the Agency’s response grants a request for access, the agency shall, upon request, provide the requester with a certified copy of the record if the requester pays the applicable duplication fees.
 - e. *Additional fees.* The agency may impose necessarily incurred costs to comply with a request, if such fees are reasonable.

- f. *No agency processing fees can be imposed.* No fee may be imposed for the Agency’s review of a record to determine whether the record is a public record or financial record in accordance with the RTKL.
- g. *Conversion of electronic or other media to paper.* If a record is only maintained electronically or in other nonpaper media, duplication fees shall be limited to the lesser of the fee for duplication on paper or the fee for duplication in the original media as set by the OOR duplication fee schedule, unless the requester specifically requests for the record to be duplicated in the more expensive medium.
- h. *Estimated duplication fees must e includes in any extension notice.* The Agency is required to include an estimate of duplication fees in any extension notice.

V. RTKL Appeals

A. Generally. To challenge the denial or deemed denial of a request for Agency records, an appeal may be filed with the Office of Open Records (“OOR”) by contacting:

Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17126-0333
Openrecords@pa.gov
www.openrecords.pa.gov
717-346-9903
717-425-5343 (fax)

B. Criminal Investigative Records. To challenge the denial of a request or portion of a request on the basis that information was withheld as exempt criminal investigative records, a concurrent appeal should be filed by contacting:

Degg Stark, District Attorney’s RTKL Chapter 11 Appeals Officer
Northumberland County
Sunbury, PA 17801
(570)286-4545
degg.stark@norrycopa.net

C. Requirements of an Appeal. All appeals:

1. must be in writing;
2. must state the grounds upon which the requester asserts that the requested records are a public record;
3. must address any grounds stated by the agency for denying the request; and

4. must include a copy of the request and the Agency's response, if any.

All appeals must be filed within fifteen (15) business days of the mailing date of the agency's denial or deemed denial of the request.

VI. Additional Information about the RTKL

Additional information regarding the RTKL and the request and appeal process, including the OOR's Citizen's Guide, Agency Guides, and related forms, are available on the OOR website at <http://openrecords.state.pa.us>.