

TOWNSHIP OF ROBESON, BERKS COUNTY, PENNSYLVANIA

POLICY AND REGULATIONS FOR REQUESTS FOR ACCESS TO PUBLIC RECORDS UNDER THE RIGHT TO KNOW LAW

Introduction.

The Right to Know Law, 65 P.S. §§ 67.101-67.3104, requires that every political subdivision establish a written policy for handling requests for access to public records. This policy provides the regulations and procedure for requests for access to public records maintained by the Township of Robeson, Berks County, Pennsylvania (“Township”).

Requests for Public Records.

1. All requests shall be made in writing on the form provided by the Township or the Pennsylvania Office of Open Records for such purpose. The form shall be made available at the Township building during the Township’s regular business hours. The request form may be submitted in person, by mail or by fax. The request shall be addressed to:

Open Records Officer
Township of Robeson
8 Boonetown Road
Birdsboro, PA 19508

There is no limit on the number of Public Records requested.

2. Where applicable, the Requestor will be required to pay a fee for copying, postage, and/or certification. The list of fees is available at the Township building. The fees may be modified as necessary from time to time by the Board of Supervisors of Robeson Township. Fees may be waived if the Township deems it in the public interest to waive any applicable fees. Prepayment of fees estimated to be in excess of One-Hundred Dollars (\$100.00) is required.

3. Upon receipt of a request during normal business hours, the Township must respond to the request within 5 business days. Failure of the Township to respond within 5 days shall be deemed a denial of the request and the Requestor may then file a letter of appeal as described herein.

4. The Township may extend the response time to a request beyond 5 days for the following reasons:

- (a) The request requires redaction of a Public Record;
- (b) The request requires retrieval of records stored offsite;

- (c) Bona fide and specific staffing limitations inhibit a timely response;
- (d) Legal review is needed to determine if the request involves a Public Record;
- (e) The Requestor has not complied with this Policy;
- (f) The Requestor fails or refuses to pay the applicable fees.
- (g) The extent or nature of the request precludes a response within the required time period.

In the event an extension is required, the Township must provide a written explanation to the Requestor of the reason(s) for the extension of up to 30 days, a reasonable date that a response is expected to be provided, and an estimate of the fees owed. Additional time extensions may be made with the consent of the requester.

5. Public Records are made available for review at Township building during the Township's regular business hours. A Public Record will be provided to a Requestor in the form requested - paper or electronic - if it exists in both forms; otherwise, it will be provided in the form in which it exists. The Requestor shall not be permitted to review documents in private, but only in the presence of a Township employee. If a Public Record is available only by electronic means, the Township shall provide access to inspect such Public Record at the Township building. The Requestor will be given a reasonable time, during the Township's regular business hours, to review the Public Records requested, given any limitations in Township staffing and time for copying any such Records. If the Requestor cannot complete the review of the requested Public Records within the allotted time, the review may continue on the same basis on another day during the Township's regular business hours.

6. Copies of Public Records requested will be made available upon request and upon payment of the applicable copying fee. Any Public Record maintained by the Township only in electronic form will be made available in paper upon request and for the applicable copying fee.

Denial of a Request for Public Records.

1. If the Township denies a written request for access to a Public Record, in whole or in part, the Township shall issue a written response to the Requestor.
2. The Township's written denial shall include the following:
 - (a) A description of the Record requested.

- (b) The specific reasons for the denial, including a citation of supporting legal authority.
- (c) The typed or printed name, title, Township address, Township telephone number and signature of the Township Open Records Officer, on whose authority the denial is issued.
- (d) The date of the response.
- (e) A copy of the appeal procedure included in this Policy.

Appeal Procedure for Denial of a Request for Access to a Public Record

1. If a written request for access is denied or deemed denied, the Requestor may file a letter of appeal with the Pennsylvania Office of Open Records for access to the requested Record within 15 days of the mailing date of the Township Open Records Officer's response or within 15 days of a deemed denial.
2. The letter of appeal shall state the reasons the Requestor believes that the record is a Public Record, and shall address the reasons, if any, by which the Township has delayed or denied the request.
3. Unless the Requestor agrees otherwise, the designated appeals officer at the Pennsylvania Office of Open Records shall make a final determination regarding the Requestor's appeal within 30 days of the date of the Requestor's letter of appeal.
4. The appeals officer may conduct a hearing prior to issuing a final determination regarding Requestor's appeal.
5. If the appeals officer fails to issue a final determination within 30 days, the appeal is deemed denied.
6. In the event that the appeals officer makes a final determination upholding the denial of access to Public Records, the Requestor may file a petition for review with the Berks County Court of Common Pleas within 30 days of the date of mailing of the denial by the Pennsylvania Office of Open Records appeals officer.

FEE SCHEDULE FOR REQUESTS FOR PUBLIC RECORDS

<u>Type of Fee</u>	<u>Fee</u>
Postage	Actual cost of mailing
FAX	Actual cost
Copies	\$0.25/page
Certification	\$1.00/each document
Specialized Documents	Actual cost
Electronic Records	N/A

Prepayment will be required if the fees are expected to exceed \$100.00



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OFFICE OF OPEN RECORDS

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: _____

REQUEST SUBMITTED BY: E-MAIL U.S. MAIL FAX IN-PERSON

NAME OF REQUESTOR : _____

STREET ADDRESS : _____

CITY/STATE/COUNTY (Required): _____

TELEPHONE (Optional): _____

RECORDS REQUESTED:

**Provide as much specific detail as possible so the agency can identify the information.*

DO YOU WANT COPIES? YES or NO

DO YOU WANT TO INSPECT THE RECORDS? YES or NO

DO YOU WANT CERTIFIED COPIES OF RECORDS? YES or NO

RIGHT TO KNOW OFFICER:

DATE RECEIVED BY THE AGENCY:

AGENCY FIVE (5)-DAY RESPONSE DUE:

***Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)*



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OFFICE OF OPEN RECORDS

Right-To-Know Response Form

Re: Sample Granted Request

Date

Citizen Name
Address
Telephone Number

Dear [*Citizen*],

Thank you for writing to [***Name of Public Body or Agency***] with your request for information pursuant to the Pennsylvania Right- To-Know law.

On [***Insert date received by agency***], you requested documents that [***insert description of information requested, or restate their request***]. Your request is granted and the requested responsive documents are enclosed.

Respectfully,

RIGHT-TO-KNOW OFFICER NAME [***information required to be typed***]
TITLE [***information required to be typed***]
BUSINESS ADDRESS [***information required to be typed***]
BUSINESS TELEPHONE [***information required to be typed***]

SIGNATURE



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OFFICE OF OPEN RECORDS

Right-To-Know Response Form

Re: Sample Granted in Part/Denied in Part

Date
Citizen Name
Address
Telephone Number

Dear **[Citizen]**,

Thank you for writing to **[Public Body]** with your request for information pursuant to the Pennsylvania Right-To-Know law.

On **[date received by agency]**, you requested **[description of information requested, or restate their request]**. Your request is granted in part and denied in part as follows. Your documents are enclosed.

However, the **[Agency]** has withheld information that is exempt from disclosure by law. We redacted **[Describe redacted information: Examples....social security number, academic transcripts, medical information, or other exemptions]** as outlined in Section 708(b).

This information is exempt from disclosure under **[CITE applicable section of the law. If precluded from release by other state or federal law, rule or regulation, you must cite to that legal authority.]**

You have a right to appeal this denial of information in writing to Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120.

[For Criminal Records] to the District Attorney of the County, Name, Address and Telephone Number. **[For Legislative Records]**: Contact information

If you choose to file an appeal you must do so within 15 business days of the mailing date of the agency's response, as outlined in Section 1101. If you have further questions, please call **[Right-To-Know Officer]**. Please be advised that this correspondence will serve to close this record with our office as permitted by law.

Respectfully,

RIGHT-TO-KNOW OFFICER NAME **[information required to be typed]**
TITLE **[information required to be typed]**
BUSINESS ADDRESS **[information required to be typed]**
BUSINESS TELEPHONE **[information required to be typed]**

SIGNATURE



Right-To-Know Response Form

Re: Sample Denial

Date

Citizen Name

Address

Telephone Number

Dear [**Citizen**],

Thank you for writing to [**Public Body**] with your request for information pursuant to the Pennsylvania Right-To-Know law.

On [**Date received by agency**], you requested [**Describe information requested, or restate their request**]. Your request is denied for the following reasons, as permitted by Section 706 of the Act.

The [**Agency**] has denied your request because [**describe specific type of information, such as medical records, academic transcripts or other exemption items**] is exempt from disclosure. [**Must cite applicable section of the RTK law. If precluded from release by some other state or federal law, rule or regulation, you must cite that legal authority.**]

You have a right to appeal this denial of information in writing to Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120.

[**For Criminal Records**] appeal to the District Attorney Name, Address and Telephone Number.

If you choose to file an appeal you must do so within 15 business days of the mailing date of the agency's response. Section 1101. If you have further questions, please call [**Right-To-Know Officer**]. Please be advised that this correspondence will serve to close this record with our office as permitted by law.

Respectfully,

RIGHT-TO-KNOW OFFICER NAME [*information required to be typed*]

TITLE [*information required to be typed*]

BUSINESS ADDRESS [*information required to be typed*]

BUSINESS TELEPHONE [*information required to be typed*]

SIGNATURE

**APPEAL PROCEDURE FOR DENIAL OF A REQUEST
FOR ACCESS TO A PUBLIC RECORD**

1. If a written request for access is denied or deemed denied, the Requestor may file a letter of appeal with the Pennsylvania Office of Open Records for access to the requested Record within 15 days of the mailing date of the Township Open Records Officer's response or within 15 days of a deemed denial.

2. The letter of appeal shall state the reasons the Requestor believes that the record is a Public Record, and shall address the reasons, if any, by which the Township has delayed or denied the request.

3. Unless the Requestor agrees otherwise, the designated appeals officer at the Pennsylvania Office of Open Records shall make a final determination regarding the Requestor's appeal within 30 days of the date of the Requestor's letter of appeal.

4. The appeals officer may conduct a hearing prior to issuing a final determination regarding Requestor's appeal.

5. If the appeals officer fails to issue a final determination within 30 days, the appeal is deemed denied.

6. In the event that the appeals officer makes a final determination upholding the denial of access to Public Records, the Requestor may file a petition for review with the Berks County Court of Common Pleas within 30 days of the date of mailing of the denial by the Pennsylvania Office of Open Records appeals officer.

[MUNICIPALITY LETTERHEAD]
**EXTENSION OF TIME TO RESPOND TO REQUEST
FOR ACCESS TO PUBLIC RECORDS**

To: _____

Date: _____

Under the Right to Know Law, 65 P.S. §§ 67.101-67.3104, the Township of Robeson, Berks County (“Township”) is required to respond to your written request for access to public records within five (5) business days of the Township’s receipt of your request. However, under certain specific circumstances, the Township may extend its response time to the request for an additional thirty (30) days beyond the initial five (5) days time limit.

By this letter, you are hereby notified that the Township is extending the time within which it will respond to your request for access to the Township’s public records for the following reason(s):

- _____ The request requires redaction of a public record.
- _____ Your request requires retrieval of records stored outside Township offices.
- _____ Bona fide and specified staffing limitations inhibit a timely response.
- _____ You have not complied with the Township’s Policy regarding access to public records.
- _____ Legal review is needed to determine if the request involves a Public Record.
- _____ You failed/refused to pay applicable fees, as set by the Township from time to time.
- _____ The extent or nature of the request precludes a response within the required time period.

The Township’s failure to respond to your request no later than _____ constitutes a denial of your request, and entitles you to seek recourse under the terms of the Right to Know Law and the Township’s Open Records Policy.

Respectfully,

Open Records Officer
Township of Robeson