

**THE BOROUGH OF YOUNGWOOD
"RIGHT TO KNOW" POLICY**

- I. **OBJECTIVE.** This statement sets forth the policy of the Borough of Youngwood with regards to the "Right to Know Law" as adopted and re-enacted by the Commonwealth of Pennsylvania as Act No. 2008-3. It establishes the policy regarding the examination, inspection, or duplication of Borough of Youngwood records. The Borough of Youngwood reserves the right to amend this policy at any time.

- II. **SCOPE.** This policy covers all Borough employees and all requests for records of the Borough.

- III. **DEFINITIONS.**
 - a. **Public Record:** A public record is defined in the Right to Know Law of the Commonwealth of Pennsylvania, as amended from time to time.

 - b. **Record:** Any document maintained by an agency, in any form, whether public or not.

 - c. **Requester:** Any person who is legal resident of the United States and requests a record pursuant to the Right to Know Law.

 - d. **Response:** Access to a record OR the Borough's written notice granting, denying or partially granting and partially denying access to a record.

- IV. **POLICY.**
 - a. **Procedure for access to public records.** As a general rule, all public records within the possession of the Borough of Youngwood must be accessible for inspection and duplication during the regular business hours of the Borough Office to any person who legally resides in the United States of America.

 - b. **Requests.** Requests may be (1) Verbal, (2) Anonymous, or (3) Written. Requests may NOT be made via E-mail. A request does not need to include any explanation as to the purpose of the request or the intended use of the records requested. The Borough may not deny a request based upon any belief as to the intended use of the records.
 - i. **VERBAL REQUESTS:** All VERBAL requests must be directed to the Open-Records Officer.

- ii. ANONYMOUS REQUESTS: If the request is ANONYMOUS, and the requester later wants to pursue the remedies or relief set forth in the Right to Know Law, a WRITTEN request must then be submitted.
- iii. WRITTEN REQUESTS:
 - 1. WRITTEN requests may be submitted in person, by mail, or by facsimile.
 - 2. All WRITTEN requests must:
 - a. Be addressed and directed to the Open-Records Officer;
 - b. Identify or describe the records so that the Open-Records Officer can ascertain what records are being requested; and
 - c. Include the name and address where the Open-Records Officer should send the response.
 - 3. Upon adoption of the uniform form by the Office of Open Records, the written request shall be made on such form.

c. **Borough's Response to Requests.**

- i. Upon receipt of a WRITTEN request for records, the Open Records-Officer shall determine if the records are public records and will respond accordingly to the request within five (5) business days from the date of receipt of the request.
- ii. If the Open-Records Officer fails to respond within five (5) business days from the date of receipt of the written request, the request is considered denied.
- iii. Exception: Upon receipt of a written request, if the Open-Records Officer determines that one of the following applies:
 - 1. The records require redaction as set forth in Section F below;
 - 2. The records must be retrieved from a storage unit;
 - 3. A response within five (5) days is not feasible due to specific staffing limitations;

4. The records must be legally reviewed to determine whether they are public records within the meaning of the Right to Know Law;
5. The request was not made in accordance the Authority's policies regarding access to public records; or
6. The requester refuses to pay the Authority's applicable fees;

then the Open Records Officer must send a written notice to the requester within five (5) business days of the receipt of the request stating that the request is being reviewed, the reason for the review, and that a response is expected to be forthcoming within thirty (30) days.

- d. **Granted Requests.** If no exceptions preclude the release of the records, the Borough shall comply with the request and forward a copy of the records to the requester within five (5) business days of the receipt of the request. Upon request, the appropriate public official may certify the documents upon payment of any applicable fees.
- e. **Denials.** If the Open-Records Officer determines that the requester is not entitled to the records, or is only entitled to part of the records, the Borough must issue a written response to the requester that includes:
 - i. A description of the requested record;
 - ii. The specific reasons for the denial, including any citation of supporting legal authority. If the denial is based on the determination that the records are not public records, the Authority's specific reasons why they are not public records must be included;
 - iii. The typed name, title, business address, business telephone number and signature of the Open-Records Officer;
 - iv. The date of the response;
 - v. The procedure to appeal the denial pursuant to the Right to Know Law.
- f. **Redaction.** If the Open-Records Officer determines that a public record contains information which is subject to access as well as information that is privileged, the Open-Records Officer shall separate out and give the

requester access to that part of the record that the requester is entitled to, and shall deny the requester access to the privileged information.

- i. If the requested information which is not subject to access is an integral part of the public record and cannot be separated, the Open-Records Officer will redact that privileged information from the records and give the requester the redacted public records. Redacted information is deemed a denial under the Right To Know Law.
- ii. The Open-Records Officer may NOT deny access to the public record if the privileged information can be redacted.

g. **Appeal Procedure.**

- i. **Appeal to the office of open records.** If the Open-Records Officer denies a written request, the requester may file an Appeal with the Commonwealth Office of Open Records within fifteen (15) days of the mailing date of the Open-Records Officer's response or within fifteen (15) days of a deemed denial. These exceptions must state the grounds upon which the requester asserts that the record is a public record and should address the grounds stated by the Open-Records Officer for delaying or denying the request.
- ii. **Judicial Appeal.** Within thirty (30) days of the mailing date of the final determination of the Appeals Officer of the Office of Open Records, a requester may file a petition for review in the Court of Common Pleas of Westmoreland County.

h. **Fees.**

- i. **POSTAGE:** Fees for postage may not exceed the actual cost of mailing.
- ii. **DUPLICATION:** Fees for duplication shall be \$0.25 per page until such time that the Office of Open Records adopts a uniform fee pursuant to §1307 of the Right to Know Law.
- iii. **CERTIFICATION:** The certification of any copy of a public record shall be an additional charge of \$1.00 over and above the actual duplication expenses.
- iv. **WAIVER OF FEES:** The Borough may waive the fees for the duplication of a public record in the event that:

- 1. The requester duplicates the public record; or

2. The Borough determines that it is in the public interest to do so.
 - v. LIMITATION: No other fees may be imposed by the Borough.
 - vi. PREPAYMENT: If the fees required to fulfill a request are expected to exceed \$100.00, the Borough may require the requester to prepay an estimate of said fees.
- i. **The Open Records Officer.** Unless otherwise designated by Resolution of Council, the Youngwood Borough Open-Records Officer shall be the duly appointed Secretary/Treasurer of the Borough.