

*Penn Township
100 Municipal Building Road
Duncannon, PA 17020-1100
Phone: (717) 834-5281*

Open Records Policy

A. Requests for Public Records

Public Township records will be available for inspection and copying at the Penn Township Building during regular business hours, Monday through Friday, 8:00 a.m. to 4:30 p.m., with the exception of holidays.

All requests for access to public records shall be in writing and directed to the Open Records Officer at the Penn Township Building, 100 Municipal Building Road, Duncannon, PA 17020. Written requests shall be on a form provided by the Township or the Office of Open Records and shall include, at a minimum, the date of the request, the name and address requester and a detailed description of the records sought. Written requests may be submitted in person, by mail, e-mail or by fax.

C. Response to Records Request

1. Appointments for Inspection

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

2. Manner of Delivery

The Township will provide the requested public records in the medium sought by the requester if the records exist in that medium. Otherwise, the records will be provided to the requester in the medium in which they are generally maintained. Penn Township has no duty to create, compile, organize or format any public record in a manner or into a medium in which it does not currently exist. Official certification of the requested records is available upon request and payment of the applicable fee.

3. Redaction

- (a) Access shall be granted to public records only. The Township has the discretion to determine whether the records sought by the requester constitute public records under the Open Records Law.

- (b) Any record which contains information that is subject to access, but also contains information which is not subject to access, shall be redacted by the Township, whenever possible. Where redaction is possible, the requester will be provided with only that portion of the document, which is deemed a public record, and will be denied access to the redacted information.

4. Specificity

A request for access to public records must be sufficiently specific to enable the Township to determine whether the document is a public record, and also to identify and locate the records sought. Requests, which fail to provide sufficient details (e.g., date, owner(s) name(s), property address/identification, description of record, etc.), shall be denied for lack of specificity.

5. Response Period

The Township Open Records Officer, or his/her designee, shall review all written requests for access to public records, and shall make a determination as to whether the records sought are public records under the Open Records Law. As soon as possible, but no later than five (5) business days after receiving a written request to access public records, the Township Open Records Officer, and his/her designee, fails to respond to the records request within five (5) days, the request for access shall be deemed denied.

6. Additional Review Period

Under the following circumstances, the Township may require additional time to review and/or process the records request:

- (a) the request for access requires redaction of a public record;
- (b) the request for access requires the retrieval of a record stored in a remote location;
- (c) a timely response to the request for access cannot be made due to staffing limitations;
- (d) a legal review is necessary to determine whether the requested document is a public record subject to access under the Open Records Law;
- (e) the requester has not complied with the agency's policies regarding access to records;
- (f) the extent or nature of the request precludes a response within the required time period.

Under any of the circumstances outlined above, the Open Records Officer, or his/her designee, shall send to the requester a written notice within five (5) business days of the receipt of the records request. This notice shall advise the requester that his/her request is under review, and provide the reason for the review and a reasonable date that a response is expected to be provided. If the expected response date is more than thirty (30) days from the date of the receipt of the original records request, the request shall be deemed denied.

7. Denial of Access

Access to the Township records, in whole or in part, will be denied if it is determined that the information sought by the requester is not a public record as defined by the Open Records Law (Act 3 of 2008).

In the event that a request is denied, the Township Open Records Officer, or his/her designee, shall provide written notice to the requester which includes 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 type or printed name, title, business address, business telephone number and signature of the Open Records Officer on whose authority the denial is issued;
- (d) date of the response;
- (e) the procedure to appeal the denial of access under this act.

8. Record Discard

The Township shall keep the response to a requester for sixty (60) days, if after the sixty (60) days has lapsed and the requester fails to retrieve the records, the Township shall dispose of any copies which have not been retrieved and retain any fees paid to date as per Section 905 of Act 3 of 2008.

D. The Appeals Process

1. Appeals to the Denial

If a written request for access to Township records is denied by the Open Records Officer, or his/her designee, or is deemed denied under this policy, the requester may file an appeal with the Office of Open Records or judicial, legislative or other appeals officer designated under Act 3, 2008 within fifteen (15) business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts that the record is public record, legislative record or financial

record and shall address any grounds stated by the agency for delaying or denying the request.

2. Final Determination of Appeal

- (a) Unless the requester agrees otherwise, the appeals officer shall make a final determination which shall be mailed to the requester and the agency within thirty (30) days of the receipt of the appeal filed.
- (b) If the appeals officer fails to issue a final determination within thirty (30) days, the appeal is deemed denied.
- (c) Prior to issuing a final determination, a hearing may be conducted. The determination of the appeals officer shall be a final order. The appeals officer shall provide a written explanation of the reason for the decision to the requester and the agency.

3. Direct Interest

A person other than the agency or requester with a direct interest in the record subject to an appeal within 15 days following receipt of actual knowledge of the appeal, but no later than the date the appeals officer issues an order, file a written request to provide information or to appear before the appeals officer or file information in support of the requester’s or agency’s position.

E. Record Inspection

Any person requesting permission to inspect public records of the Township may do so only by appointment made the Township Open Records Officer or his/her designee. All inspections shall be made under the direct supervision of the Open Records Officer or his/her designee.

F. Adoption of Policy

Penn Township hereby adopts this Right-to-Know Policy on this day _____ of _____, 2009.

Attest:

Henry Holman, Jr.

Randy Plummer

Lucinda Novinger