

RESOLUTION NO: 2012-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF TOWANDA TOWNSHIP, BRADFORD COUNTY, PENNSYLVANIA SETTING FORTH A POLICY REGARDING REQUESTS FOR PUBLIC RECORDS UNDER THE RIGHT TO KNOW LAW

WHEREAS, the Right to Know Law, 65 P.S. §67-101-67.3104 requires municipal subdivisions and authorities to adopt a policy implementing the provisions and requirements of the law; and

WHEREAS, the Township of Towanda is an "agency" as defined by the Right to Know Law; and

WHEREAS, the Board of Supervisors desires to set forth a policy regarding request for public records made to the Township pursuant to the Right to Know Law;

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Towanda Township as follows:

1. Public records will be available for inspection and copying at the Township Office Building during normal business hours Monday through Friday 9:00 a.m to 1:00 p.m with the exception of holidays.
2. All requests for access to records shall be in writing if the requester wishes to pursue the relief and remedies provided for in the Act. The Township may fill verbal or anonymous requests for access to records. Requests shall be directed to the Towanda Township Secretary 44 Chapel Street, Towanda, PA 18848. Said written requests shall be made on a form provided by the Township and shall include the date of request, the name and address of the requests and a description of the records being sought. The requestor need not include any explanation or reason for the request nor the intended use of the records. A requester can file a Right to Know request in four (4) ways: 1) fax; 2) electronic mail; 3) in person; and 4) U.S. Mail.
3. The Township will charge a fee for duplication of public records by photocopying or printing from electronic media of \$.25 per page per side. If mailing of the records is requested the Township will charge the actual cost of mailing. If certificate is requested, an additional charge of \$3.00 will be imposed by the Township. If request to have documents faxed, then a fee of \$.25 per page per side will be charged and any additional long distance phone fees will be applied. *Prior to granting a request for access, the Township will require pre-payment if the fees are expected to exceed \$100. The Township may withhold public records if the requester has not paid for previous requested records.*
4. The Township will make a good faith effort to provide the requested public records as promptly as is feasible. Township employees will cooperate with those requesting to review and/or duplicated original Township documents while taking reasonable safeguards to protect Township documents from the possibility of theft and/or modification.
5. Upon receipt of a written request for access to a record the Township Secretary will review the request for access. Within five business days after receiving the request to access public records, the Township Secretary shall respond to the requests in a manner consistent with the Right to Know

Law. The Township may respond as follows: 1) grant the request; 2) deny the request (citing the legal basis for denial/partial denial, or; 3) invoke a thirty (30) day extension for certain reason (acceptable grounds for a thirty (30) day extension includes: off-site location of records, staffing limitations, need for legal review, or redaction, complex requests, or the requester did not pay the applicable fees as required, or failed to follow Township Policy.

6. If a Township denies a record, or a portion of a record, the requester can file an appeal with the Office of Open Records.

The appeal must be submitted to the Office of Open Records within 15 business days of the mailing date of the Township's response. Appeals should be sent to the Office of Open Records, Commonwealth Keystone Building, 400 North St., 4th Floor, Harrisburg, PA 17120-0225. They may also be submitted via facsimile to 717-425-5343 or via email to openrecords@pa.gov as a Microsoft Word or PDF attachment.

All appeals must be in writing and shall include the following information that may be submitted using the Appeals Forms found on <http://openrecords.state.pa.us>:

- A copy of the Right-to-Know Request
- A copy of the denial letter submitted by the Township - If the agency does not respond in writing within five business days, the request is "deemed denied" (automatically denied) and can be appealed.
- State the grounds you believe the record is a public record – you must state why you believe the requested record is a public record – a general statement that the record is public under the Right-to-Know Law is insufficient.
- Address **all** grounds that the Township raised in its denial – you must state why you believe each of the agency's denial, arguments, and exemptions are incorrect – a general statement that the agency is incorrect is insufficient.

The Office of Open Records is required to dismiss any appeal that does not include this information.

When the Office of Open Records receives the appeal, it has 30 days from the date of receipt of the appeal to issue a Final Determination.

The Office of Open Records may conduct a hearing (which is a non-appealable decision) or an *in camera* review. It may decide the case on the basis of the information filed with the Office. It may seek additional information from the involved parties. In most cases, the Office of Open Records will issue a Final Determination based on information and evidence provided to our Office without conducting a hearing.

When the Office of Open Records issues a Final Determination it is binding on the Township and requester. If the Township or the requester wants to appeal the ruling of the Office of Open Records, the appeal must be filed with the appropriate court within 30 calendar days of the mailing of the Final Determination by the Office.

If the parties appeal a Final Determination to Commonwealth Court or a Court of Common Pleas, the Right-to-Know Law requires that the Office of Open Records be served notice of the appeal.

7. A form for the request of records is attached hereto as Exhibit "A" and is hereby approved by the Board of Supervisors.

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: _____

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

REQUEST SUBMITTED TO: TOWANDA TOWNSHIP, 44 Chapel Street, Towanda, PA 18848:

NAME OF REQUESTER: _____

STREET ADDRESS: _____

CITY/STATE/COUNTY/ZIP (Required): _____

TELEPHONE (Optional): EMAIL (optional): _____

RECORDS REQUESTED: **Provide as much specific detail as possible so the agency can identify the information. Please use additional sheets if necessary:*

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

**** PLEASE NOTE: RETAIN A COPY OF THIS REQUEST FOR YOUR FILES ****

**** IT IS A REQUIRED DOCUMENT IF YOU WOULD NEED TO FILE AN APPEAL ****

**FOR AGENCY USE ONLY
RIGHT TO KNOW**

**** PLEASE NOTE: RETAIN A COPY OF THIS REQUEST FOR YOUR FILES ****

**** IT IS A REQUIRED DOCUMENT IF YOU WOULD NEED TO FILE AN APPEAL ****

FOR AGENCY USE ONLY

RIGHT TO KNOW OFFICER: LORI KEPNER, TOWNSHIP SECRETARY

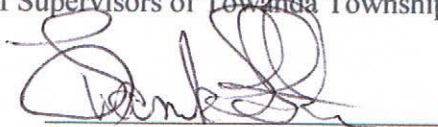
DATE RECEIVED BY THE AGENCY: _____

AGENCY FIVE (5) BUSINESS 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.) why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)*

8. This Resolution shall be effective immediately.

RESOLVED this 6th, day of February 2012 by the Board of Supervisors of Towanda Township.



Frank Lindsey, Chairperson




Charlotte S. Sullivan



Gary Scranton

Attest by:



Lori Kepper, Township Secretary