

OPEN RECORDS POLICY
Palmer Township Policy Number 09-1

SUBJECT: Access to Public Records

PURPOSE: To establish a clear and specific policy on how the township will respond to a request for public records and to insure the response is in accordance with all applicable laws.

POLICY: Requests:

Public records will be available for inspection and copying at the Township Municipal Building during normal business hours, Monday through Friday, 8:30 AM to 4:30 PM, with the exception of holidays.

In order that a request be made pursuant to the Right to Know Law, such request shall be made by a resident of the United States, in writing and directed to the Open Records Officer at the Township Municipal Building, 3 Weller Place, PO Box 3039, Palmer, PA 18043-3039. Written requests shall include the date of the request, the name and address of the requester, and a clear description of the records sought with sufficient specificity to ascertain which records are being requested. The written request may be submitted in person, by mail, email, or by facsimile.

Fees:

Paper copies will be \$0.25 per page per side. If mailing is requested, the cost of postage will be charged. Fax copies will be available at the cost of \$0.50 per page. No copies of records will be released until full payment is made. The township will require prepayment (before reproduction of records) if the total fees are estimated to exceed \$100.

Response:

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 documents while taking reasonable measures to protect township documents from the possibility of theft and/or modification.

The township has five days in which to respond to a written request made pursuant to the Right to Know Law for access to public records. If the township believes that:

1. The request for access requires the retrieval of a public record stored in a remote location;
2. The request for the access requires redactions of a public record.

3. A timely response to the request for access cannot be accomplished due to legitimate and specified staffing limitations;
4. A legal review is necessary to determine whether the public record is subject to access under the act;
5. The individual requesting the information has not complied with township policies regarding access to public records; or
6. The individual requesting the information refuses to pay appropriate fees.
7. The extent or nature of the request precludes a response within the required time period.

Then the township will send written notification to the individual within five (5) business days of the receipt of the request. The notification will indicate that the request for access is being reviewed, the reason for the review, (one of the seven listed above), and an estimated date that a response might be provided. However, the response date may not exceed thirty (30) days following the fifth business day originally provided to the township to respond to the written request.

Denying Public Access:

If the township believes that the record requested is not a public record then the township must notify the individual requesting the information in writing. The notification must contain the following:

1. A description of the record requested;
2. A determination that the record requested is not a public record and that the specific reasons for the township's determination, including a citation of supporting legal authority;
3. The name, title, address, phone number and signature of the open records officer on whose authority the denial is issued,
4. The date of the response, and
5. The procedure to appeal the denial of access by law.

RESPONSIBILITY: The Township Manager (Open Records Officer) and Solicitor will implement and enforce the policy.

AUTHORITY: Palmer Township Board of Supervisors as per vote on November 25, 2008. This policy replaces policy #3-03.