

**COLLEGE TOWNSHIP, CENTRE COUNTY
PENNSYLVANIA**

**OPEN RECORDS POLICY
Policy A-004 (Formerly P-005)
Rev. 4 - December 18, 2014**

Purpose

The purpose of this policy is to assure compliance with Act 3 of 2008, the Pennsylvania Right-To-Know Law, as amended; to provide access to public records of College Township; to preserve the integrity of College Township's records; and to minimize the financial impact of the residents regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

Public Records

A "Public Record" is defined as any record, including financial records, of a Commonwealth or local agency that is not exempt under Section 708 of Act 3 of 2008; is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or is not protected by a privilege.

Records are also information, regardless of physical form or characteristics, that document a transaction or activity of an agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and a data-processed or image-processed document.

Inspection

Public records are open to inspection and for duplication during normal office hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except for holidays, subject to the regulations set forth herein.

Open Records Officer

The designated "Right-To-Know Officer" shall be the College Township Manager, who shall designate certain employee(s) to process public record requests. The College Township Manager is responsible for minimizing, where possible, the financial impact to College Township regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

Upon receipt of a written open records request, the College Township Manager or his/her designee shall:

1. Note the date of receipt on the written request;
2. Compute the day on which the five-day period will expire and make a notation of that date on the written request; and
3. Maintain an electronic or paper copy of a written request, including all documents submitted with the request, until the request has been fulfilled. If the request is denied, the written request shall be maintained for thirty (30) days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied.

Open Records Request

A written request for access to records may be submitted in person, by mail, by e-mail, by facsimile, or provided by way of the Township's or the Commonwealth's Right-To-Know Request Form. A written request must be addressed to either the College Township Manager or the College Township Right-To-Know Officer. All employees who receive a request shall immediately forward requests for records to the Township Manager or designee. Regardless of the form received, no employee other than the Right-To-Know Officer or his/her designee shall determine if the request is in its proper form. A written request should identify or describe the records sought with sufficient specificity to enable the Township to ascertain which records are being requested and should include the name and address to which the Township should address its response. An anonymous request places the onus on the requester to return to the Township office in a timely manner to pick up the response. A written request need not include any explanation of the requester's reason for requesting, or intended use of, the records, unless otherwise required by law.

Redaction

While College Township will disclose public records subject to access, College Township is not required to synthesize, compile, maintain, format, or organize records in response to a request. When a public record exists, College Township will separate and exclude any records which are not public records or which are otherwise excluded or exempted from the definition of public records. If information which is not subject to access is an integral part of a public record and cannot be separated, College Township shall redact from the public record the information which is not subject to access, and the response shall grant access only to the information which is subject to access.

Response

Within five (5) business days from the date the request is received, College Township will (1) provide the records requested; (2) deny the request by notifying the requester in writing; or (3) send a written notice that the records cannot be provided within the five (5) business days. If it is determined that the request cannot be honored within the five (5) days, a notice will be issued specifying a date when the records may be expected but, in no case, will the time be longer than thirty (30) additional days. If College Township does not respond within the five business days of receipt of written request, the request shall be deemed denied.

Fees

A request for copies of public records or information produced therefrom must be accompanied by payment of fees to cover the direct costs of duplication, if the cost of duplication is estimated to be \$100.00 or more. Reasonable fees to cover direct costs incurred by College Township may be charged, as set by the Pennsylvania Office of Open Records.

Denials

If College Township denies a written request for information, whether in whole or in part, a written response will be sent by the Right-To-Know Officer to the requester with (1) a description of the record requested; (2) the specific reasons for denial, including a citation of supporting legal authority; (3) contact information for the Right-To-Know Officer; (4) date of response; and (5) procedure to appeal the denial.

Appeals

Requesters receiving a denial either in part or whole of a submitted request have the right to appeal that denial of information in writing to the Appeals Office, c/o Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120 for a review.

Within thirty (30) days of the mailing date of the final determination of the appeals officer, a requester or College Township may file a petition for review as required by rule of court with the Centre County Court of Common Pleas. The decision of the court shall contain findings of fact and conclusions of law based upon evidence as a whole. The decision shall clearly and concisely explain the rationale for the decision. A petition for review shall stay the release of documents until a decision is issued.

Repeal of Inconsistent Ordinances or Resolutions

Any and all other ordinances, resolutions, or parts of ordinances or resolutions, in conflict herewith are hereby repealed.

**First Approved by College Township Council
November 21, 2002**

1st Revision 6 May 2008-AB
2nd Revision 20 November 2008-Council
3rd Revision 21 November 2013-Council
4th Revision 18 December 2014-Council



1481 E. College Avenue
State College, PA 16801
(814) 231-3021 – Phone
(814) 231-3020 – Fax

RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: _____
REQUEST SUBMITTED BY: E-MAIL U.S. MAIL FAX IN-PERSON
REQUEST SUBMITTED TO (Agency name & address): _____

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
DO YOU WANT TO BE NOTIFIED IN ADVANCE IF THE COST EXCEEDS \$100? 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

OPEN-RECORDS OFFICER:

I have provided notice to appropriate third parties and given them an opportunity to object to this request

DATE RECEIVED BY THE AGENCY: _____

AGENCY FIVE (5) BUSINESS DAY RESPONSE DUE: _____

***Public bodies may fill anonymous verbal or written requests. If the requester 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.)*