

Borough of Franklin Park Policy for Implementing the Amended Right-to-Know Law

This policy will set forth the procedures for requesting access to, or copies of, public records from the Borough of Franklin Park (hereafter, "Borough") under the provisions of the Right-To-Know-Law (hereafter, "RTKL"), the Act of June 21, 1957 (P.L. 390, No. 212), as amended by the Act of February 14, 2008 (P.L. 6, No. 3), 65 P.S. § 66.101, et seq. This policy is issued pursuant to Section 504 of the RTKL.

This policy shall take effect on January 1, 2009, and shall remain in effect until superseded or withdrawn by the Borough. A copy of this policy is available at the Borough offices located at 2344 West Ingomar Road, Pittsburgh, Pennsylvania 15237 and on the Borough website: www.franklinparkborough.us

This policy shall apply only to written requests made to the Borough's Open Records Officer for records controlled by the Borough. Any other office or agency not directly affiliated with the Borough may have its own separate written RTKL policy.

SECTION 1: RTKL REQUESTS

- 1.1 Borough Open Records Officer and Address.** All request for access to Borough's public records must be in writing and addressed to:

Ambrose Rocca, Open Records Officer
Borough of Franklin Park
2344 West Ingomar Road
Pittsburgh, Pennsylvania 15237

Telephone: (412) 364-4115
Facsimile: (412) 366-4406
E-mail: arocca@franklinparkborough.us

- 1.2 Borough's Office Hours.** The regular business hours of the Borough are Monday through Friday, 8:00 a.m. through 4:30 p.m.

Borough offices are closed on all state holidays, and on any other day on which the offices under the control of the Borough are officially closed.

A RTKL request that is received by the Open Records Officer after the close of regular business hours shall be deemed to have been received by the Open Records Officer on the following business day. For example, a request received via facsimile transmission at 5:00 p.m. on a Friday will be deemed to have been received by the Borough Open Records Officer on the following Monday, unless the Borough is closed on the following Monday, in which case the request will be deemed to have been received on the following Tuesday.

1.3 Methods for Delivering Written Requests. Written requests for access to public records must be sent or delivered to Borough's Open Records Officer via one of the following methods:

- A. by United States Mail, postage pre-paid;
- B. by hand-delivery to the Offices of the Borough's Open Records Officer;
- C. by facsimile at the facsimile number for the Borough's Open Records Officer; or
- D. by e-mail at the e-mail address for the Borough's Open Records Officer.

Any written requests forwarded to other Borough personnel may result in a delayed response to your request for access to public records.

1.4 RTKL Requests Must Be Delivered to Borough's Open Records Officer.

The Borough Open Records Officer is the only Borough employee with the authority and responsibility to respond to RTKL requests. No other official is authorized to respond to such requests and any delay in delivery to the Borough's Open Records Officer may result in a delay to a response to your request. Delivery of an RTKL request to any person other than the Borough's Open Records Officer does not initiate the official time period in which a response is warranted under the RTKL. Such time period will begin upon receipt of the request by the Borough's Open Records Officer.

1.5 Content of Request. A request for access to public records made to the Borough's Open Records Officer must:

- A. be made in writing;
- B. identify the requestor by his or her full name;
- C. contain the full address of the requestor's residence or place of business;
- D. be signed by the requestor;
- E. identify the return address to which the Borough's Open Records Officer should send his or her official response;
- F. clearly state that the request is made pursuant to the Pennsylvania Right to Know Law;

- G. clearly identify or describe the record or records sought by the requestor with sufficient specificity to enable the Borough's Open Records Officer to understand the record or records being requested; and
- H. clearly and explicitly label the document or subject as a "**RIGHT TO KNOW LAW REQUEST.**"

The requestor may forward their request with all of the above-referenced information on their own form, on a form provided by the Borough, or on the form established by the Pennsylvania Office of Open Records, which is available online at <http://openrecords.state.pa.us/>.

In no instance shall the Borough be required to create a public record which does not exist nor shall the Borough be required to compile, maintain, format or organize a public record in such a manner in which the Borough does not currently compile, maintain, format or organize the public record.

1.6 Additional Request Information. The Borough asks that a RTKL request also include the requestor's daytime telephone number in the event the Borough's Open Records Officer needs to contact the requestor to discuss his or her RTKL request or to obtain clarification or additional information related to the request.

1.7 Oral, Verbal or Anonymous Requests may not be Accepted. The Borough's Open Records Officer shall not be obligated to respond to:

- A. oral or verbal RTKL requests;
- B. RTKL requests that are submitted by any method other than those permitted by this policy or by statute; or
- C. anonymous RTKL requests, or any request which does not otherwise clearly identify the information set forth in Section 1.5, above.

Any oral, verbal or anonymous RTKL request may be denied without cause. The Borough may, at its sole discretion, file informal requests for easily accessible documents.

1.8 RTKL Requests Must Be in a Separate Document. A RTKL request must be set forth in a separate, stand-alone document, preferably on one of the approved request forms available through the office of the Borough's Open Records Officer. Demands or requests for access to records that are included in other documents may go unnoticed and are ill-advised.

1.9 Access to Documents in General. The following provisions apply generally to the access to public records under the RTKL:

- A. *Right to access.* The RTKL provides all legal residents of the United States with the right to inspect and duplicate public records in the

possession of the Borough, subject to the limitations and exceptions as established in the RTKL, during the regular business hours of the Borough.

- B. *Physical access generally.* The Borough's Open Records Officer is the only individual in the Borough who has the authority to grant physical, in-person access to the public records in the possession of the Borough. The Borough's Open Records Officer may, in his or her discretion, impose reasonable restrictions as to the time, place and nature of the physical access to these public records. Nothing in the RTKL necessitates any local agency, including the Borough, to require access to any Borough computer, either of the Borough itself or an individual employee of the Borough.

Furthermore, nothing in this policy or under the RTKL shall prohibit the Borough from requiring the presence of a designated Borough employee when original public records are examined and inspected in person. Any requestor who does not allow the presence of such designated Borough employee shall be considered to have waived their right of access to such original public records.

- C. *Access provided by mailing a copy of the record(s).* The Borough's act of mailing a copy of a public record to the requestor at the address given by the requestor in his or her request shall constitute providing the requestor with physical access to the public record. However, if the requestor specifically requests access to the original record and such request is an allowable request under the RTKL, access to such record will be granted pursuant to the reasonable time, place and access restrictions established by the Borough Open Records Officer.
- D. *Records available via Borough website.* Some of the Borough's public records will be made available through the Borough's official website: www.franklinparkborough.us. Physical access to such records is considered to have been provided for all records contained on the Borough website. Where the Borough has already posted a requested record on the Borough website, the Borough will be deemed to have complied with any request for access to such record and the requestor will be directed to access the record via the website.

SECTION 2: THE BOROUGH RESPONSE

- 2.1 Receipt of a Written Request for Access.** Upon receipt of a written request for access to a record, the Borough shall make a good faith effort to determine if the record requested is a public record and whether the Borough has possession, custody or control of the identified record, and to respond as promptly as possible under the circumstances existing at the time of the request.

2.2 Response Time after Receipt of Written Request. The time for response shall not exceed five (5) business days from the date the written request is received by the Borough's Open Records Officer. Failure by the Borough to send a response within five (5) business days of receipt of the written request for access shall be deemed a denial of the request. If the Borough's Open Records Officer determines that the request requires further review, the Open Records Officer shall provide written notice to the requestor within five (5) business days indicating the reason for the review, a reasonable date a response is expected and an estimate of all applicable fees owed. Review of the request is limited to situations where:

- A. the request for access requires redaction of a 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 accomplished due to bona fide and specified staffing limitations;
- D. a legal review is necessary to determine whether the record is a record subject to access under this act;
- E. the requester has not complied with the agency's policies regarding access to records;
- F. requester refuses to pay applicable fees authorized by this act; or
- G. the extent or nature of the request precludes a response within the required time period.

If the date that a response is expected to be provided is in excess of thirty (30) days, the request for access shall be deemed denied unless the requestor has agreed in writing to an extension of time.

2.3 Denial of Written Request. If the Borough's response is a denial of a written request for access, whether in whole or in part, the denial shall be issued in writing and shall include:

- A. a description of the record requested;
- B. the specific reasons for the denial, including a citation of supporting legal authority;
- C. the typed or printed name, title, business address, business telephone number and signature of the Open Records Officer on whose authority the denial is issued;

- D. the date of the response; and
- E. the appeal procedure for denials of access under the RTKL.

2.4 Appeals of a Denial of a Written Request. All appeals of the denial of a written request shall be in accordance with the RTKL and any regulations created with respect thereto. The official appeal procedure shall accompany the Borough's response for all full or partial denials of access as set forth above.

SECTION 3: FEES

3.1 Fees in General. The cost of providing access to public records is to be borne by the requestor, and will be charged to the requestor by the Borough in accordance with the RTKL.

3.2 Standard fees. The following fees may be imposed upon the requestor as established by the Pennsylvania Office of Open Records as follows:

- A. *Photocopies:* [A "photocopy" is either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5" x 11" page]
 - \$0.25 per page.
- B. *Certification of a Record:*
 - \$1.00 per record, not per page. Please note that certification fees do not include notarization fees.
- C. *Specialized Documents:* [For example, but not limited to, blue prints, color copies, non-standard sized documents]
 - Actual Cost.
- D. *Facsimile/Microfiche/Other Media:*
 - Actual Cost.
- E. *Postage:*
 - Fees for postage shall not exceed the actual cost of mailing.
- F. *Conversion to paper or other media:*
 - If a record is only maintained electronically or in other non-paper media, duplication fees shall be limited to the lesser of the fee for duplication on paper or the fee for duplication in the original

media unless the requester specifically requests that the record be duplicated in the more expensive medium.

G. *Prepayment:*

- Prior to granting a request for access in accordance with the RTKL, the Borough may require a requester to prepay an estimate of the fees authorized under this section if the fees required to fulfill the request are expected to exceed One Hundred Dollars (\$100.00).

H. *Forms of Payment:*

- All costs to be paid by a requestor shall be paid by either cash, personal check, certified check or money order made payable to "Borough of Franklin Park."