

Policy 51-1
POLICY PURSUANT TO PENNSYLVANIA
OPEN RECORDS/RIGHT-TO-KNOW LAW

The purpose of this policy is to assure compliance with the Pennsylvania Right-to-Know Law, known as the Open Records Act, 65 P.S. 66.1 *et. seq.*, as amended, to provide access to public records of Hanover Township, Northampton County, to preserve the integrity of the Township records, and to minimize the financial impact to the residents of the Township regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records. It is the Policy of the Township to require the presence of the Open Records Officer when public records are examined and inspected and to charge reasonable fees for duplication of public records in accordance with the following guidelines:

I. OPEN RECORDS OFFICER:

An Open Records Officer for the Township of Hanover, Northampton County shall be the person appointed from time to time by the Board of Supervisors of Hanover Township. The Open Records Officer is responsible for processing requests for records, tracking the progress in responding to the requests and issuing interim and final responses to the requests. Upon receiving a request for a public record, the Open Records Officer is required to note the date of receipt, compute the 5-day response period and create a file for the request, the response and all communications with the requester.

II. REQUESTS:

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

Requests shall be in writing and directed to the Open Records Officer at the Township Municipal Building, 3630 Jacksonville Road, Bethlehem, Pennsylvania 18017, fax (610) 758-9116 and e-mail hanover@hanovertwp-nc.org. Written requests shall be on the form attached hereto as Exhibit "A".

The request may be in person, by mail, electronic mail or facsimile. The request must be specific enough for the Township to determine what records are needed.

III. FEES:

Paper copies will be \$0.25 per page side. If mailing is requested, the cost of postage will be charged. Fax copies will be available at the cost of \$0.25 per page. Specialized documents, i.e. non standard size and color copies, will be provided at actual cost. If a "True and Correct Certification" is requested, an additional charge of \$1.00 will be added. "True and Correct Certification" fees do not include any applicable notary fees. The Township will require prepayment if the total fees are estimated to exceed \$100.

IV. RESPONSE:

The Open Records Officer shall review all written requests for access to public records. As soon as possible, but no later than five business days after receiving a written request to access public records, the Open Records Officer shall respond to all such requests. A letter in the form attached hereto as Exhibit B shall accompany each granted request.

A request is considered denied if, within five business days after submitting a written request, the requester does not: (1) receive a response from the Township to its request; or (2) receive an application from the Township for an additional 30-days to fulfill the request.

The Township may request an additional thirty days to fulfill the request under the following conditions:

1. If it must remove portions of the record that are not public;
2. Retrieve records not stored on site;
3. Obtain legal review of the records requested;
4. It is experiencing a bona fide staffing shortage;
5. The requester has not complied with the municipal policies for record access;
6. The requester has not paid the requested fees.

If additional days are needed, the Township must notify the requester of the delay in writing within the first five business days after receiving the written request for the records. The requester must approve the request for an extension.

The record shall be provided to the requester in the medium requested, if the record exists in that medium. Otherwise, the record shall be provided in the medium in which it exists. If a record is only kept in the electronic form, the Township must make it available in paper upon request. The Township is not required to create a record that does not exist or put a document into a format that does not exist. The Township may remove portions of a document or refuse to supply a record that is not a public record. If a portion of the document is removed, a written denial must be given for the removed portions of the document.

V. DENIAL:

The Township may deny a request if the document is not a public document. The Township must give denials in writing, even if only a portion of the document is denied or removed, in the form attached hereto as Exhibit C.

VI. APPEALS PROCESS:

To appeal a denial of the Township, a requester must file an appeal with the Office of Open Records of the Commonwealth of Pennsylvania within 15 days of the mailing of the Township's response to the request or within 15 days of the deemed denial date. The Appeal should include grounds necessary for asserting that the record requested is a public record and include the Township's grounds for denying or delaying the request. The Office of Open Records may conduct a hearing. The Office of Open Records will issue a written decision, which shall act as a final order. Appeals of the written decision of the Office of Open Records may be taken to the Commonwealth Court within 30 days of the mailing of the decision or deemed denial date.

VII. DEFINITIONS:

A. Public Record: Any record not expressly exempt from public access under the Open Records Act, any other state or federal law or judicial order.

B. Record: Any information, regardless of physical form or characteristics that documents a government agency transaction or activity. 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.

C. Requester: A person who requests a record pursuant to the Open Records Act.

D. Response: Access to a record or the Township's written notice granting, denying or partially granting and partially denying access to a record.

VIII. EFFECTIVE DATE

This policy shall take effect December 9, 2008.