



Centre Region Council of Governments

Right to Know – Open Records Policy

Approved by General Forum
January 26, 2009

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 the Centre Region Council of Governments (COG); to preserve the integrity of the Centre Region COG'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 "Open Records Officer" shall be the Centre Region COG Executive Director, who shall designate certain employee(s) to process public record requests. The Centre Region COG Executive Director is responsible for minimizing, where possible, the financial impact to

the Centre Region COG regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copy of public records.

Upon receipt of a written open records request, the Centre Region COG Executive Director 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.
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 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 Centre Region COG's Open Records Request form. A written request must be addressed to the Centre Region COG Executive Director. All employees who receive a request shall immediately forward requests for records to the Centre Region COG Executive Director. Regardless of the form received, no employee 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 Centre Region COG to ascertain which records are being requested and shall include the name and address to which the Centre Region COG should address its 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 the Centre Region COG will disclose public records subject to access, the Centre Region COG is not required to synthesize, compile, maintain, format, or organize records in response to a request. When a public record exists, the Centre Region COG 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, the Centre Region COG 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. Attached is a list of public records that are not subject to public access.

Response

Within 5 business days from the date the request is received, the Centre Region COG will (1) provide the records requested; (2) deny the request by notifying the requestor in writing; or (3)

send a written notice that the records cannot be provided within the initial 5 business days. If it is determined that the request cannot be honored within the initial 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 30 additional days. If no response is made within the five business days of receipt of written request, the request shall be deemed denied.

Exceptions

Records that are exempt from this policy are identified in Act 3, Section 708 (b) of the Pennsylvania Right to Know Law, as may be amended. (Appendix A)

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 is estimated to be \$100.00 or more. Reasonable fees to cover direct costs incurred by the Centre Region COG may be charged, as set by the Pennsylvania Office of Open Records.

Denials

If the Centre Region COG denies a written request for information, whether in whole or in part, a written response will be sent by the Open Records Officer to the requestor 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 Open Records Officer; (4) date of response; and (5) procedure to appeal the denial.

Appeals

Requestors 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 Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120 for a review.

Within 30 days of the mailing date of the final determination of the appeals officer, a requester or the Centre Region COG 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 the 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 Agreements, Policies or Resolutions

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