

# **London Britain Township**

## **Open Records Policy**

### **RESOLUTION #09-8**

#### **A. Policy**

It is the policy of London Britain Township to comply with the requirements of the Pennsylvania Right to Know Law, Act 3 of 2008, as amended, (the “Act”) by making Township public records accessible as required by law. In the event the terms of this policy do not address or conflict with the requirements of the Act, the requirements of the Act shall apply. Terms used herein defined by the Act shall have the meanings set forth in the Act. Undefined terms shall have their ordinary meanings unless the context clearly indicates otherwise.

#### **B. Public Records Available for Inspection and Duplication**

1. Public records shall be accessible for inspection and duplication by a requester generally within five days of the Township’s receipt of a written request.
2. Requests shall be made in writing on the Record Request form attached hereto as Exhibit A or on the Standard Right-to-Know Request Form approved by the Commonwealth Office of Open Records addressed, London Britain Township Open Records Officer at the London Britain Township office.
3. Verbal and/or anonymous requests and requests submitted by electronic mail will not be accepted or honored. Electronic access to public records shall not be permitted.
4. The records shall be made available at the Township office during regular business hours, except for Township holidays or other times when the Township office is closed for emergency or unforeseen circumstances.

5. The records will be provided in the medium requested if it exists in that medium; otherwise, it shall be provided in the medium in which it exists. The Township is not required to create a public record which does not currently exist or to compile, maintain, format or organize a public record in a manner in which the Township does not currently compile, maintain, format or organize the public record

### **C. Response to Written Request**

1. The Open Records Officer will review all written requests for access to public records. The Township will make a good faith effort to determine if the record requested is a public record and to respond as promptly as possible under the circumstances existing at the time of the request, which shall not exceed five days from the date the written request is received. Denials of a written request for access shall comply with Section 903 of the Act.
2. If the Open Records Officer determines that an exception set forth in Section 902(a) of the Act applies, the Township Secretary shall respond in writing on the form attached hereto as Exhibit B within the aforesaid five day period.
3. If the Open Records Officer fails to send a response to a written request for access to public records within five business days of the date the request is received, the request is deemed denied.

### **D. Procedure for Inspection and Duplication**

1. All public records shall be inspected in the Township Building, subject to such reasonable measures as are appropriate to protect Township public records from the possibility of theft, damage or modification.
2. Some Township public records are easily photocopied, and some are in electronic form. These records may be duplicated by the Township for a requester upon payment of the required fee.

3. There are many large public records which the Township is unable to duplicate in its office. If a requester seeks copies of such records, they may contact a copy service to come into the Township office and duplicate the requested documents. At no time will any requester or copy service be permitted to remove a public record from the Township Building. The copy service shall schedule an appointment with the Township Secretary to make the copies.

#### **E. Duplication of Records by Requester**

1. A requester may duplicate public records using their own duplication equipment and supplies. Such equipment may only be used in the Township office and by scheduling an appointment with the Open Records Officer. The use of the requester's equipment in the Township office without an appointment is prohibited.
2. The Open Records Officer shall be in custody of the Township files and public records and must be present at all times the requester is duplicating public records. A maximum period of 30 minutes shall be scheduled for duplication. If additional time is required to duplicate records, another appointment must be made with the Open Records Officer.
3. The Township reserves the right to prohibit use of duplication equipment that is determined to potentially overload Township electrical circuits or is otherwise determined to be unsuitable for use in the Township office (e.g., due to size, sound level or condition.)
4. Charges for paper copies will be waived if a requester uses their own duplication equipment and supplies. However, all other requirements of this Policy must be followed.

## **F. Fees**

1. Charges for paper copies and for electronic data on disk or CD shall be reasonable, and in accord with the schedule of charges for such items adopted by the Board of Supervisors by resolution in effect at the time of the request. If mailing or other delivery is requested, the actual cost of postage or delivery charges will be charged to the requester.
2. If an official certification of a copy of the record is requested, an additional charge will be added.
3. The Township will require prepayment if the total fees are estimated to exceed \$100.00. All fees shall be paid before the requested records are released by the Township.
4. Fees shall not exceed the limitations imposed by the Act.

## **G. Appeals**

If a written request for access to a public record is denied or deemed denied by the Township, the requester may file an appeal in accordance with Sections 1101 and 1102 of the Act with the Commonwealth Office of Open Records or other officer designated for such appeals.