

OFFICIAL
TOWNSHIP OF PETERS TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA

RESOLUTION NO. 12-01-08

A RESOLUTION OF THE COUNCIL OF THE HOME RULE
MUNICIPALITY OF PETERS TOWNSHIP, WASHINGTON
COUNTY, PENNSYLVANIA AMENDING THE OPEN
RECORDS POLICY IN COMPLIANCE WITH ACT 3 OF 2008,
PENNSYLVANIA'S NEW RIGHT TO KNOW LAW.

WHEREAS, the Peters Township Council adopted an Open Records Policy Resolution No. 11-01-02 dated November 25, 2007 and;

WHEREAS, the Commonwealth of Pennsylvania amended the existing Right to Know Law creating new guidelines for municipal and state entities that takes effect January 1, 2009, and

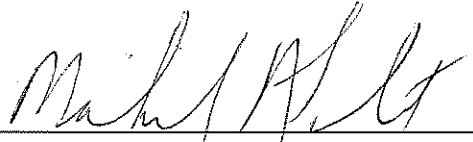
WHEREAS, the new Commonwealth Act has set guidelines on the definition of public records, formal requests for public information, response to requests and an appeal process and has mandated that municipalities appoint a Right to Know officer among its staff to process such requests, and

WHEREAS, Peters Township wishes to fully comply with Act 3 of 2008, the Right to Know Law and has compiled regulations, procedures and formal Request Form in the policy attached in Exhibit A

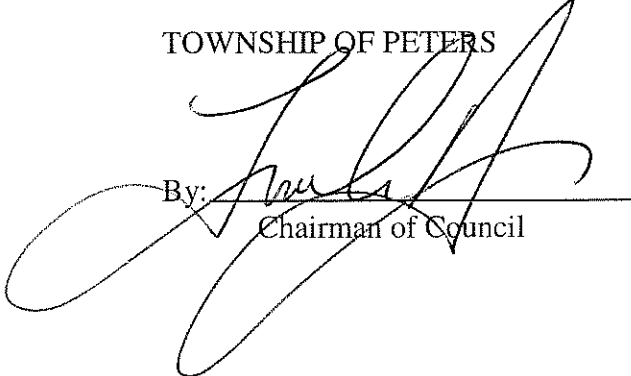
NOW, THEREFORE, BE IT RESOLVED, that Peters Township Council approves and adopts the revised Open Records Policy as shown in the attached Exhibit A.

RESOLVED AND ADOPTED by the Peters Township Council at a meeting duly assembled this 8th day of December 2008.

ATTEST:


Township Manager

TOWNSHIP OF PETERS

By: 
Chairman of Council

**Peters Township Open Records Policy
Act 3 of 2008**

As a local agency of the Commonwealth of Pennsylvania, Peters Township will make its records available to the public in the most convenient and efficient manner as possible. A public record is as defined by a record including a financial record of a Commonwealth or local agency that is not exempt under Section 708, 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. The Township recognizes the requirement of Act 3 of 2008, Pennsylvania's New Right to Know Law and will meet the obligations of that act fully.

Contact

As per Section 502, each agency must establish a Right to know or Open records officer. Peters Township shall name Michael A. Silvestri, Township Manager and his designee as the open records officer (s). This contact person(s) are charged to receive requests submitted to the Township, direct requests to other staff if necessary, track the progress in responding to requests and issue interim and final responses under this act.

Requests for Records

Inspection

Public records will be made available for inspection at the Township Municipal Building, located at 610 East McMurray Road, McMurray, PA 15317 during normal business hours, Monday through Friday from 8:30 AM to 4:30 PM with the exception of holidays.

Written/Verbal Requests

Upon receipt of a request for records, the open records officer must note the date of receipt on the written request. Compute the day on which the 5-day period under Section 901 will expire and make such notation on the written request. The open records officer shall be expected to maintain an electronic or paper copy of the written request, including all documents submitted with the request until the request has been fulfilled. If the request for information is denied, the written request shall be maintained for 30 days, or if an appeal is filed, until a determination is issued under Section 1101 (b) or the appeal is deemed denied.

If the record requires a time extension, the open records officer shall send written notice within 5 days to the requestor outlining the reason for the delay and a reasonable date as to when records will be available.

Record Request Denials/Appeals

If a record is to be deemed denied, a written explanation will include:

- A description of the record requested
- Specific reasons for denial
- Contact information for open record officer
- Date of response
- Procedure to appeal the denial of access under this act

If a request has been deemed denied, the requestor may file his appeal within 15 days of the date of the written letter of denial. The requestor must submit their appeal to the Office of Open Records. The Office of Open Records will have 30 days to review and make a decision on the appeal.

Commonwealth of Pennsylvania
Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17120-0225
717-346-9903

If the appeal is for criminal records that have been denied, the requestor must contact:

Steven Toprani
Washington County District Attorney
Washington County Courthouse
100 West Beau Street
Washington, PA 15301

Fee Schedule

Written requests for records shall be submitted on the Township's Standard request form.

- Photocopied Pages: \$.25 a page
- Certified copies \$1.00 per record plus notarization costs if requested
- Notarization of records \$10.00
- Postage: Exact postage to mail documents/materials will be assessed
- CD's \$1.00
- DVD of meetings/shows, etc. \$10.00
- File extraction: if Peters Township must extract files from outside storage locations, extra fees for this service will be assessed

*If copies of records are made and requestor fails to pick them up after 60 days, the agency is permitted to discard all copies.

**Statutory Fees: If a separate statute authorizes an agency to charge a set amount for a certain type of record, the agency may charge no more than that statutory amount. For example, Police Department has the authority to charge up to \$15.00 per report for providing a copy of a vehicle accident report.

Posting

This policy shall be posted in all department of the Township and will be made available on the Township's website and will provide:

- Contact information for the Open Records Officer
- Contact information for the Office of Open Records or other applicable appeals officer.
- A standard form to be used to file a request for records
- Regulations, policies and procedures of the Township relating to this act.

Request Submittals

The Township may fill verbal, written or anonymous verbal or written requests for access to records. Records will be available in the medium of which it currently exists.

The Township may respond to a request through publicly accessible electronic means or the agency will provide access to inspect records electronically. If the requestor is unwilling, or unable to access the record electronically, the requestor may submit a written request to the agency to have the record converted to paper.

The Township is not required to create a record that does not currently exist.

Exceptions from Public Records

The Township may determine that a public record contains information which is not subject to access; the agency can redact the information from the record prior to releasing the record for public inspection. Examples of exceptions from Public Records include:

- Social Security Numbers
- Drivers License numbers
- Home, cellular or personal phone numbers
- Personal financial information
- Spouse's name, marital status, beneficiary or dependent information
- Home addresses of law enforcement and judges
- Identity of confidential informants
- Autopsy reports; other information on investigations not mentioned in the Police Blotter
- Records that identify social service recipients, including welfare recipients
- A minor's name, home address, date of birth
- Library circulation cards
- Letter of reference, recommendation, performance rating or review, written criticisms of an employee.
- Employment applications of individuals not hired by the agency
- Grievance material
- Working papers, notes that do not have official purpose
- Building plans
- Infrastructure resources
- Medical records
- Internal predecisional deliberations