



Harris Township Open Records Policy
Adopted December 8, 2008
Effective January 1, 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 Township of Harris; to preserve the integrity of the Township's records; and to minimize the financial impact of the residents regarding the resources utilized in the receipt and processing of public records 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 documents 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 4:30 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 Township Manager, who shall designate certain employee(s) to process public record requests. The Township Manager is responsible for minimizing, where possible, the financial impact to the Township regarding the resources utilized in the receipt and processing of public records requests and the retrieval and copy of public records.

Upon receipt of a written open records request, the Township Manager 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 Township's Open Records Request form. All employees who receive a request shall immediately forward requests for records to the Township Manager. 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 Township to ascertain which records are being requested and shall include the name and address to which the Township 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.

The Open Records Officer may be reached as follows:

Mark Boeckel, Township Manager

Harris Township

224 East Main Street

P.O. Box 20

Boalsburg, PA 16827

(814) 466-6228

(814) 466-3396 (fax)

manager@harristownship.org

Redaction

While the Township will disclose public records subject to access, the Township is not required to synthesize, compile, maintain, format, or organize records in response to a request. When a public record exists, the Township 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 Township 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.

Response

Within 5 business days from the date the request is received, the Township 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.

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. Reasonable fees to cover direct costs incurred by the Township may be charged. Although not all-inclusive, the fees listed on the attached Schedule A are hereby adopted by the Harris Township Board of Supervisors and made a part hereof, and may be amended from time to time as expenses change.

Denials

If the Township 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

If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the Office of Open Records or judicial, legislative or other appeals officer designated under section 503(d) within 15 business days of the mailing date of the agency's response or within 15 business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts that the record is a public record, legislative record or financial record and shall address any grounds stated by the agency for delaying or denying the request.

Schedule A

Harris Township, in accordance with the Office of Open Records, establishes the following fee structure in accordance with the law.

Fee Structure

Record Type Fee	Copies:
<i>(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)</i>	Between \$.25 per page per page
Certification of a Record:	\$1 per record, not per page. Please note that Certification fees do not include notarization fees.
Specialized documents: For example, but not limited to, blue prints, color copies, non-standard sized documents	Actual Cost
Facsimile/Microfiche/Other Media:	Actual Cost
Redaction Fee:	No Redaction Fee May be Imposed
Conversion to Paper:	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 for the record to be duplicated in the more expensive medium. (Sec. 1307(e)).
Postage Fees:	Fees for Postage May Not Exceed the Actual Cost of Mailing

• **Inspection of Redacted Records:** If a requester wishes to inspect rather than receive a copy of a record and the record contains both public and non-public information, the agency shall redact the non-public information. An agency may not charge the requester for the redaction. However, the Agency may charge for the copies it must make of the redacted material in order for the requester to view the public record. The fee structure outlined above will apply. If, after inspecting the records, the requester chooses to obtain the copies, no additional fee may be charged.

- **Fee Limitations:** Except as otherwise provided by statute, the law states that **no other fees may be imposed** unless the agency necessarily incurs costs for complying with the request, and such fees must be reasonable. No fee may be imposed for an agency's review of a record to determine whether the record is a public record, legislative record or financial record subject to access in accordance with this Act. No fee may be charged for searching for or retrieval of documents. An agency may not charge staff time or salary for complying with a RTK request.

- **Prepayment:** Prior to granting a request for access in accordance with this Act, an agency 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 \$100.