

RESOLUTION NO. 2009- 08

A RESOLUTION OF THE BOARD OF SUPERVISORS OF SOUTH LONDONDERRY TOWNSHIP, LEBANON COUNTY, PENNSYLVANIA, ESTABLISHING A RIGHT TO KNOW POLICY IN ACCORDANCE WITH ACT 3 OF 2008 KNOWN AS THE RIGHT TO KNOW ACT.

WHEREAS, the South Londonderry Township Board of Supervisors desires to enact a policy in accordance with Act 3 of 2008 known as the Right to Know Act.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of South Londonderry Township establishes the Right to Know Policy as follows:

Open Record Officer

The township hereby designates the Township Manager as the township Open Records Officer. The Open Records Officer may be reached at:

South Londonderry Township
20 West Market Street
P.O. Box 3
Campbelltown, PA 17010
(717) 838 – 5556
(717) 838 – 4122
manager@southlondonderry.org

General

All documents deemed public records shall be available for inspection, retrieval, and duplication at the Municipal Building during established business hours (7:30 a.m. to 4:00 p.m.) with the exception of weekends and holidays.

Requests

Requests shall be made in writing to the township Open Records Officer on a form provided by the township. (See attached form)

Fees

Paper copies shall be 25 cents per page per side. The certification of a record is \$1 per record. Specialized documents including, but not limited to blue prints, color copies and non-standard sized documents shall be charged the actual cost of production. If mailing is requested, the cost of postage will be charged. The township shall require prepayment if the total fees are estimated to exceed \$100.

Response

The township shall make a good-faith effort to provide the requested public record(s) as promptly as possible. The Open Records Officer shall cooperate with those requesting records to review and/or duplicate original township documents while taking

reasonable measure to protect township documents from the possibility of theft, damage, and/or modification.

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 such requests in writing consistent with Act 3 of 2008, the Right-to-Know Law.

If access to a record is denied, the response shall include a reason for denial as stipulated in Act 3 of 2009, the Right-to-Know Law.

Contact Information for Appeals

If a written request is denied or deemed denied, the requester may file an appeal in writing to Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building 400 North Street, Plaza Level Harrisburg, PA 17120-0225

Appeals of criminal records shall be made to the District Attorney of Lebanon County at Office of District Attorney, County of Lebanon, Room 11, Municipal Building, Lebanon, PA 17042-6794 (717) 274 – 2801 Ext. 2360.

Appeals Process

The appeal shall be filed within 15 business days of the mailing date of the township’s response or within 15 business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts the records is a public record and shall address any grounds stated by the township for delaying or denying the request.

RESOLVED AND ENACTED this 5th day of January 2009.

**BOARD OF SUPERVISORS
SOUTH LONDONDERRY TOWNSHIP**

L. Philip Rothermel, Chairman

ATTEST:

Rugh A. Henderson

Secretary

William E. Ames

RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED:

REQUEST SUBMITTED BY: E-MAIL U.S. MAIL FAX IN-PERSON

NAME OF REQUESTOR : _____

STREET ADDRESS : _____

CITY/STATE/COUNTY (Required): _____

TELEPHONE (Optional): _____

RECORDS REQUESTED:

**Provide as much specific detail as possible so the agency can identify the information.*

DO YOU WANT COPIES? YES NO

DO YOU WANT TO INSPECT THE RECORDS? YES NO

DO YOU WANT CERTIFIED COPIES OF RECORDS? YES NO

RIGHT TO KNOW OFFICER:

DATE RECEIVED BY THE AGENCY:

AGENCY FIVE (5)-DAY RESPONSE DUE:

***Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)*

Revised Right-to-Know Law Takes Effect January 1

Act 3 of 2008, the new Right-to-Know Law will take effect January 1, 2009. Townships need to be prepared for implementation of the new law and need to take care of a few things by January.

Act 3 requires each township to appoint an open records officer and to post the following information at the township building and on the township's Web site, for those townships that have a Web site:

1. Contact information for the township's open records officer.
2. Contact information for the state Office of Open Records, which will hear appeals if a township denies access to a record. (*Mail: Office of Open Records, Commonwealth Keystone Building, 400 North Street, Plaza Level, Harrisburg, PA 17120-0225; Phone: (717) 346-9903; Web site: openrecords.state.pa.us; E-mail: openrecords@state.pa.us*) Townships with police departments must also post contact information for the district attorney's office.
3. A records request form that may be used to request records. Townships may use the Office of Open Record's Uniform Request Form (*to access, go to <http://openrecords.state.pa.us> and then choose "Forms"*) or may create their own. Townships must accept and fulfill requests filed on the Uniform Request Form even if the township has its own form.
4. Open records policy or regulations. While not required, it is recommended that each township consider adopting an open records policy that identifies who the open records officer is, how to contact that individual, what the office hours are, if the township has its own request form, and any fees that the township will charge. Townships must follow the fee structure established by the Office of Open Records: 10 to 25 cents per page for black and white copies, actual cost for specialized documents such as color copies or blueprints, \$1 per page for certification, actual cost for fax, microfiche or other media, and actual cost for postage. Townships cannot charge for staff time for compiling requests. A link to the fee structure is located below.

[Click here for details](#)

Other items a township may choose to include in a policy would be if the township has adopted a record retention schedule; if the township chooses to accept verbal or anonymous requests (*townships must accept written requests submitted in-person, by mail, by fax, and by e-mail*); the appeals process; what, if any, public records are available on a township's Web site; whether the township will post open records requests and responses on the township's Web site; and a policy to inform citizens and businesses that if they submit documents to the township that relate to trade secrets or confidential proprietary information as defined by Act 3 that they should consider also submitting a written statement detailing that the records, in their view, are confidential.

The township's open records officer will be responsible for receiving requests for public records, fulfilling the request or directing the request to the appropriate person, tracking the township's progress in responding to the requests, making sure requests are fulfilled, and issuing written denials of requests for documents that are not public. When the open

records officer receives a written records request, he must stamp the date of receipt on the written request and, because the law requires that requests be fulfilled or denied within 5 business days, note the date that the request must be fulfilled on the request form. The township must retain the written request, including all documents submitted with the request, until the request has been fulfilled. If the township denies the request, the written request must be maintained for 30 days. If an appeal is filed, the request must be kept until a final determination is issued by the Office of Open Records and any appeal of the denied request to the court of common pleas is complete.

The Office of Open Records recommends that townships take some optional steps to help ease the transition to Act 32:

1. **Create a records management policy** and be sure to follow this policy. This involves adopting and following the procedures in the Records Retention Manual published by the Pennsylvania Historical and Museum Commission and organizing the townships records. The manual is available on-line.
[Click here for details](#)

Note that the manual contains a Retention and Disposition Schedule of Records Created on Electronic Mail (E-mail Systems). This schedule may be helpful in managing e-mail and determining when an e-mail may be deleted and when an e-mail must be maintained. While many e-mails will be considered open records under Act 3, this determination will be based on the content of the e-mail. Each e-mail must go through the same analysis as any other paper document to determine whether it is open or whether it is protected by an exception under Act 3 or a separate law.

2. **Attend training.** A training schedule is available on the Office of Open Records Web site. Township officials can request training from the Office of Open Records. PSATS plans to provide additional training on Act 3 early next year.
3. **Implement record keeping procedures.** It is recommended, but not required, that townships keep a log or spreadsheet of all the requests received and when the township responded. This log should include the date of request, the documents requested, the requester name, and the date that the request was fulfilled. The Office of Open Records expects that many news organizations may request this information at the end of 2009 and keeping this log will help demonstrate that your township has fulfilled its obligations.