

EAST FRANKLIN TOWNSHIP RIGHT-TO-KNOW POLICY

The purpose of this policy is to assure compliance with the Pennsylvania Right-To-Know (RTK) Law, Act 3 of 2008. The RTK Law can be found in its entirety at the Pennsylvania Office of Open Records website, <http://openrecords@pa.gov>.

Requests for public records from East Franklin Township (EFT) under the RTK Law are subject to the following guidelines:

A. Information regarding RTK Law

1. Three (3) copies of the RTK Policy will be made available. One copy will be kept on file with the RTK Officer of EFT, one copy will be kept on file with the Secretary of EFT, and one copy will be posted on the EFT bulletin board. The RTK Policy will also be available on the Township's website, www.eastfranklintownship.com.
2. The Township shall also post on the bulletin board and on the Township's website, the following information:
 - a. Contact information for the RTK Officer.
 - b. Contact information for the State's Office of Open Records.
 - c. Contact information for Armstrong County District Attorney's office.
 - d. The RTK form that is used to file a request.
 - e. Township Resolution and Township RTK Policy.

B. Requests

1. Requests for information under the RTK Law must be submitted to EFT's RTK Officer. A request may be delivered in person, by mail, by electronic mail or by facsimile. Verbal or oral requests will not be accepted.
2. Each request must include the name of the requestor and the address to which the response will be delivered. The request should identify or describe the records sought with sufficient specificity to enable EFT to ascertain which records are being requested.
3. A written request need not include any explanation of the requester's reason for requesting or intended use of the records; the request shall not be limited to the number of records being requested at any one time.

C. Submittal of RTK Requests

1. The RTK Request Form can be printed off EFT's website, www.eastfranklintownship.com.

2. All requests to EFT under the RTK Law will be submitted in writing to:
Mrs. Carla J Scholl
Right-To-Know Officer
East Franklin Township
106 Cherry Orchard Avenue
Kittanning PA 16201
Office Hours: Monday, Tuesday, Thursday, & Friday from 7am-3pm
Phone: 724.548.2310, ext. 3
Fax: 724.543.3015
E-mail: cscholl@eastfranklintownship.com

Requests may be delivered in person to the address listed above or sent by regular mail. They also may be submitted by electronic mail to cscholl@eastfranklintownship.com or by facsimile to 724.543.3015.

3. If a request is delivered to someone other than the RTK Officer, it shall be forwarded to the RTK Officer in a reasonable time. The five-day period for a response to the request begins once the designated RTK Officer receives the request.

D. EFT's duty to provide a prompt response to a RTK request

1. Upon receipt of a written request, EFT will make a good faith effort to determine if the requested record is a public record and to respond as promptly as possible under the circumstances existing at the time of the request. This time shall not exceed five (5) business days from the date the written request is received by the RTK Officer. If EFT fails to respond within that time period, the request is deemed denied.
2. EFT may inform the requestor of the need for additional time to comply with a specific request, in accordance with provisions of the Act. Such an extension may not exceed thirty (30) calendar days. If EFT fails to make a timely final response pursuant to the extension, the request is denied. The RTK Officer shall send written notice to the requestor within five (5) business days of the need for an extension. The notice shall include a statement notifying the requestor that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided, and an estimate of applicable fees owed when the record becomes available.

E. Processing of RTK Requests

1. Upon receiving a written RTK request, the RTK Officer shall complete the following tasks:
 - a. Date-stamp the request.
 - b. Assign a tracking number to the request.
 - c. Compute the day on which the five-day response will expire and make a notation of that date on the request form.

- d. Make an electronic or paper copy of the request, including documents submitted with it and the envelope, if any, in which it came.
 - e. Create an official file including a copy of the original request, a copy of the response, and any records of written communications with the requester.
 - f. Document specific information on the RTK Log.
 - g. If the written request is denied, maintain the written request for thirty (30) days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied.
 - h. If an appeal is filed, keep the records until a final determination is issued or the appeal is deemed denied.
2. For purposes of determining the five-day period:
 - a. A business day shall be any Monday, Tuesday, Wednesday, Thursday, or Friday, except those days when the offices of the agency are closed for all or part of a day due to a state holiday, due to severe weather (such as a blizzard or ice storm), due to natural or other disaster, or due to the request or direction of law enforcement agencies or officials.
 - b. Requests may be submitted during the RTK Officer's regular business hours, which are Monday, Tuesday, Thursday, and Friday from 7am-3pm. Requests received after 3pm will be deemed to have been received on the following business day.
 - c. For purposes of determining the end of the five-day period, the day that a request is received (or deemed to be received) is not counted. The first day of the five-day period is the agency's next business day.

F. Initial review by the RTK Officer

1. Upon receiving a RTK request, the RTK Officer shall promptly review it.
2. In conducting this initial review, the RTK Officer may contact (or attempt to contact) the requestor in order to obtain clarification or additional information.
3. If the RTK Officer determines that the request should be denied, he/she shall immediately draft a proposed denial letter. The letter should set forth each and every ground that the RTK Officer believes is a proper ground for refusal.

G. Criminal Investigation Record

1. All criminal investigation records will be reviewed by EFT's Director of Police Operations or an EFT Police Officer. The results of the review will then be given to the RTK Officer for the processing of RTK requests (see section E).
2. If a written request for access to a criminal investigative record is denied or deemed denied, the requestor may file an appeal with the Armstrong County District Attorney's Office within fifteen (15) days of the mailing date of the RTK Officer's response or deemed denial. Criminal investigation records are the ONLY appeal records not sent to the Office of Open Records.

The Armstrong County District Attorney's address is:

Katie M Charlton DA
Armstrong County Courthouse
500 East Market Street Suite 323
Kittanning PA 16201
Phone: 724.548.3240
E-mail: kmcharlton@co.armstrong.pa.us

H. Responses, In General

1. The act of providing a requestor with physical access to a document in the offices of the agency is a "response" for purposes of the RTK Law.
2. A record will be provided, whenever available, in the medium requested by the requestor (i.e., an electronic file if the information is already available in this form). A record does not have to be converted to a media other than that in which it is maintained.
3. A requestor may either view original records by making an appointment during regular business hours with the RTK Officer, or may request written copies, which will be provided for a fee as established by the Office of Open Records (Fees are listed under section L).
4. EFT will not create a public record that does not already exist, nor will it compile, maintain, format, or organize a public record in a manner in which the agency does not currently do.

I. Responses

1. Types of Responses:
 - a. The request is granted in its entirety.
 - b. The request is denied in its entirety.
 - c. The request is partially granted.
2. Deemed denials:
 - a. The failure to make a timely response is deemed a denial.
3. Final responses granting requests:
 - a. A written request for a record will be granted if the record requested is within the statutory definition of a "public record."
 - b. Written responses granting requests may be provided in any format (mail, facsimile, electronic mail, etc.) permitted by law.
4. Final responses that deny requests, either in whole or in part.
 - a. A response that denies a request must list the entire specific reasons relied on for denying the request.
 - b. If a request is denied all or in part, the response must also contain a notice informing the requestor of his or her right to file an appeal with

the Office of Open Records or, if criminal investigation records, the Office of the Armstrong County District Attorney.

- c. Any final response that sets forth a denial, whether in whole or in part, must contain the following.
 - i. The name, title, business address, business telephone number and signature of the RTK Officer on whose authority the denial is issued.
 - ii. A statement of the procedure that the requestor may follow in order to file an appeal contesting the denial.
- d. Grounds for a denial. A written request for access to, or a copy of, a record may be denied if any of the following circumstances exists:
 - i. The requestor has not identified any of the requested records with sufficient specificity.
 - ii. The record does not exist.
 - iii. The requestor has not prepaid the costs of fulfilling the request, if the anticipated costs would exceed \$100.00.
 - iv. The record in question does not satisfy the Act's general definition of "public record."
 - v. The record in question falls within one or more of the Act's statutory exceptions of the definition of "public record."
 - vi. The request is not able to be granted due to disaster or potential damage.

J. Redaction

1. Redaction means the eradication of a portion of a document while retaining the remainder. Redaction must be performed in such a way as to prevent the requestor from having access to the redacted information.
2. If it is determined that a public record contains information subject to access, as well as information not subject to access, the RTK Law requires that the response must grant access to the information subject to access, but deny access to the information not subject to access.

K. Appeals

1. Right to file an appeal.
 - a. An appeal to a denial must be filed with the Office of Open Records, Harrisburg, PA within fifteen (15) business days of the mailing date of the written denial. Exception for Criminal Investigation Records (see section G).
 - b. An appeal to a deemed denial must be filed with the Office of Open Records within fifteen (15) calendar days of the date the request is deemed denied. Exception for Criminal Investigation Records (see section G).

The Office of Open Records Address is:


Commonwealth of Pennsylvania
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
Phone: 717.346.9903
Fax: 717.425.5343
E-mail: openrecords@pa.gov.

L. Fees


1. Fees for duplication of public records shall be as established by the State. See official Right-to-Know Law Fee Schedule (Attachment A), effective 12-22-2020.

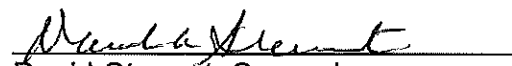
IN WITNESS WHEREOF, the undersigned has hereunto set their hand this 29th day of July, 2021. This Resolution shall take effect July 29, 2021.

ATTEST:


Debra Cornman, Secretary/Treasurer


Barry Peters, Chairman


Dan Goldinger, Vice Chairman


David Stewart, Supervisor

Office of Open Records – Official RTKL Fee Schedule

Updated December 22, 2020

Record Type / Delivery Method	Fee
Black & White Copies (first 1,000)	Up to \$0.25 per copy.
Black & White Copies (beyond 1,000)	Up to \$0.20 per copy. ¹
Color Copies	Up to \$0.50 per copy. ²
Specialized Documents ³	Up to actual cost.
Records Delivered via Email	No additional fee may be imposed. ⁴
CD/DVD	Up to actual cost, not to exceed \$1.00 per disc.
Flash Drive	Up to actual cost.
Facsimile	Up to actual cost. ⁵
Other Media	Up to actual cost.
Redaction	No additional fee may be imposed. ⁶
Conversion to Paper	Up to \$0.25 per page. ⁷
Photographing a Record	No additional fee may be imposed. ⁸
Postage	Up to actual cost of USPS first-class postage.
Certification of a Record	Up to \$5.00 per record. ⁹

¹ A “copy” is either a single-sided copy, or one side of a double-sided copy, on 8.5”x11” or 8.5”x14” paper.

² A “copy” is either a single-sided copy, or one side of a double-sided copy, on 8.5”x11” or 8.5”x14” paper. Note that a requester may ask for black and white copies even if the original is in color and color copies are available.

³ Including, but not necessarily limited to, non-standard sized documents and blueprints.

⁴ If a requester asks to receive records which require redactions in electronic format and the agency is unable to securely redact the records by electronic means, an agency may print the records to provide for secure redaction, then scan them in for delivery by email. Accordingly, the agency may charge the fees noted above for either B&W or color copies, as appropriate.

⁵ If an agency must print records to send them by facsimile, the agency may charge the fees noted above for B&W copies.

⁶ If a requester seeks records requiring redaction and the agency is unable to securely redact the records by electronic means, an agency may copy or print the records to provide for secure redaction. Accordingly, the agency may charge the fees noted above for either B&W or color copies, as appropriate.

⁷ 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. *See § 1307(d)*.

⁸ This assumes the requester is using his or her own camera, such as a cellphone camera, to photograph the records. *See Muenz v. Township of Reserve, OOR Dkt. AP 2015-1021, 2015 PA O.O.R.D. LEXIS 1176*. If redaction is required prior to the requester being granted access to photograph records and the agency is unable to securely redact the records by electronic means, an agency may copy or print the records to provide for secure redaction. Accordingly, the agency may charge the fees noted above for either B&W or color copies, as appropriate.

⁹ Under the RTKL, an agency may impose “reasonable fees for official certification of copies if the certification is at the behest of the requester and for the purpose of legally verifying the public record.” The OOR recommends no more than \$5 per record to certify a public record. Certification fees do not include notarization fees.

Additional Notes

Fees May Be Waived: All fees established herein may be waived at the discretion of the agency.

Medium Requested: A record being provided to a requester shall be provided in the medium requested if it exists in that medium; otherwise, it shall be provided in the medium in which it exists. *See § 701.*

Other Statutory Fees: If a statute other than the RTKL governs the amount an agency may charge for a certain type of record, the other statute controls. For example, a Recorder of Deeds may charge a copy fee of 50 cents per uncertified page and \$1.50 per certified page (42 P.S. § 21051). Police departments may charge up to \$15 for a copy of a vehicle accident report (75 Pa.C.S. §3751 (b)(2)); the Philadelphia Police Department may charge up to \$25 per copy (Id. at (b)(3)). State police are authorized to charge "\$5 for each copy of the Pennsylvania State Police full report of investigation." (75 Pa.C.S. §1956(b)). Other examples include the History Code, the Municipalities Planning Code, and the Criminal History Record Information Act.

Inspection of Redacted Records: If a requester wishes to inspect, rather than receive copies of, records which contain both public and non-public information, the agency may redact the non-public information. An agency may not charge the requester for the redaction itself. However, an agency may charge (in accordance with the OOR's Official Fee Schedule) for any copies it must make in order to securely redact the material before allowing the requester to view the records. If, after inspecting the records, the requester chooses to obtain the copies, no additional fee may be charged.

Enhanced Electronic Access: If an agency offers enhanced electronic access to records in addition to making the records accessible for inspection and duplication by a requester, the agency may establish user fees specifically for the provision of the enhanced electronic access. The user fees for enhanced electronic access may be a flat rate, a subscription fee for a period of time, a per-transaction fee, a fee based on the cumulative time of system access, or any other reasonable method and any combination thereof. Such fees shall not be established with the intent or effect of excluding persons from access to records or duplicates thereof or of creating profit for the agency. **NOTE: Fees for enhanced electronic access must be reasonable and must be pre-approved by the OOR. Please submit enhanced electronic access fee requests to the OOR.**

Fee Limitations: Except as otherwise provided by statute, the RTKL 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 subject to access under the RTKL. 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. No fee may be charged for an agency's response letter.

Prepayment: Prior to granting a request for access in accordance with the RTKL, 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. Once a request is fulfilled and prepared for release, the OOR recommends that an agency obtain payment prior to releasing the records.

Questions: If you have any questions regarding the OOR's Official Fee Schedule, please contact the OOR (email: openrecords@pa.gov, telephone: 717-346-9903).