

POLICY #03-04 RIGHT TO KNOW

VENANGO COUNTY GOVERNMENT RIGHT TO KNOW POLICY RESPONSIBLE DEPARTMENT: VENANGO COUNTY BOARD OF COMMISSIONERS

APPROVED BY: COUNTY BOARD OF COMMISSIONERS

DATE: December 9, 2008

PURPOSE:

On January 1, 2009, amendments to the Pennsylvania Right to Know Law (the "Act") (Purdons, 65 P.S. §67.101 et seq.) are effective. The Act governs the rights of the public to inspect and obtain copies of public records.

DEFINITION:

Public Records:

A record, including a financial record, that is not exempt under Section 708 of the Act, 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" include any information, regardless of physical form or characteristics, that document a transaction or activity of the County and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the County. 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, 8:30 a.m. to 4:30 p.m. Monday through Friday, except for holidays, subject to the regulations set forth herein.

REQUEST:

An individual may verbally request public records from the Department which has custody of those records. The Department, at its discretion, may provide the public records immediately if the records are readily available.

However, if the request for public records requires the Department which has custody of those records to commit manpower to conduct the research, compilation, and copying necessary to fulfill the request, the request shall be submitted in writing to the Chief Clerk/County Administrator at the Venango County Courthouse Annex, 1174 Elk Street, Franklin, PA 16323. The Chief Clerk / County Administrator is the County's Open-Records Officer.

REQUEST FORMAT:

- Provide the name of the person requesting the records.
- Provide a mailing address to which a written reply and/or the requested information can be sent.
- Provide a phone number where the requestor can be contacted.
- Identify or describe the specific records being sought. The request must be sufficiently specific to enable the county to ascertain which records are being requested, and must include the date of the information requested as well as the type of information, and the county department which has custody of the record.
- The written request does not need to include an explanation of the requestor's reason for the request or of the requestor's intended use of the record(s).
- Agree to reimburse the cost of reproducing the records requested, and if the cost of reproducing the records exceeds \$100, the requestor must submit a \$100.00 deposit prior to the reproduction of the records. The balance due, if any, shall be payable at the time the records are delivered.
- A request may be submitted on the form approved by the Pennsylvania Office of Open Records.

REDACTION:

The County will grant access to public records according to this Policy and will separate and exclude any records which are not public records or which are otherwise excluded or exempted from the definition of public records or are exempted from disclosure under Section 708 of the Act. The County may also deny a disruptive request or on grounds of disaster or potential damage under Section 506 of the Act or for other reasons allowed by the Act. If

information which is not subject to access is an integral part of a public record and cannot be separated, the County 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 TIME:

Verbal requests for public records that are submitted directly to the designated contact person for the office with custody of the records may be fulfilled within a time period that is appropriate and adequate for the office.

In the case of a written request, the Open-Records Officer shall respond to the request within (5) five business days in one of the following manners:

- The requested records will be provided; or
- The request will be denied. If a request is denied in whole or in part, the denial will contain a description of the records requested, the reasons for the denial, including citation of supporting legal authority, the name, title, business address, business telephone number, and signature of the person on whose authority the denial is issued, the date of the response, and the procedure to appeal the denial of access under the Act; or
- If the County determines that:
 - The requested records require redaction (blacking out of sections of the records that are not public);
 - The requested records require retrieval from a remote location;
 - The requested records require legal review;
 - A timely response cannot be made due to staffing limitations;
 - The requestor refuses to pay the applicable fees set forth by this Policy;
 - The requestor has not complied with the County's policies regarding access to records; or
 - The extent or nature of the request precludes a response within the required time period.

Then the County will send written notice that the request is being reviewed, the reason for the review, and a reasonable date by which a response is expected to be provided.

FEES:

A request for copies of public records or information produced therefrom must be accompanied by payment of fees to cover the direct cost of duplication as set forth below:

- Fees for the actual cost of mailing.
- Fees for duplication by photocopying, printing from electronic media or microfilm, copying onto electronic media, transmission by facsimile or other electronic means, and other means of duplication shall be in accordance with the fees established by the Pennsylvania Office of Open Records.
- Customary fees for official certification if requested by the requestor;
- Allowable additional actual costs incurred by the County which are necessary for complying with the request.
- Fees for complex and extensive sets, including geographic information systems or integrated property assessment lists shall be based upon the reasonable market value of the same.

APPEAL OF DENIAL:

The requestor may file an appeal with the Pennsylvania Office of Open Records within fifteen (15) business days of the mailing date of the County's response, or within fifteen (15) business days of a deemed denial. The appeal shall state the grounds upon which the requestor asserts that the record is a public record and shall address any grounds stated by the County for delaying or denying the request.

JUDICIAL APPEAL:

Within thirty (30) days of the mailing date of the final determination of the appeals officer appointed by the Pennsylvania Office of Open Records or of the date a request for access is deemed denied, the requestor or the County may file a petition for review or other document as required by rule of court with the Court of Common Pleas of Venango County. A petition for review shall stay the release of documents until a decision is issued.

NOTE:

The County will disclose identifiable and existing public records but is not required to synthesize, compile, maintain, format, or organize records in response to a request in a manner in which the County does not currently compile, maintain, format or organize the record.

EFFECTIVE DATE:

This policy shall apply to all requests made on and after January 1, 2009. County Policy #03-04 shall apply to all requests made prior to January 1, 2009.

REQUEST FOR INFORMATION

Name: _____

Address: _____

Phone: _____

Information Being Requested:

Is information to be picked up _____ mailed _____ e-mailed (if possible) _____

Information will be provided as soon as possible and no later than within 5 business days unless an extension of time applies and the requestor is so notified.

Signature of Requestor: _____ Date: _____

Signature of County Representative fulfilling Request: _____

Completion Date: _____

Delivery Date: _____

cc: Requestor Department