

## RESOLUTION NO. 13 OF 2008

### A RESOLUTION OF THE BOROUGH OF STONEBORO, MERCER COUNTY, IN THE COMMONWEALTH OF PENNSYLVANIA, HEREBY ADOPTING AN OPEN RECORDS POLICY AND APPOINTING THE RIGHT-TO-KNOW OFFICER.

**WHEREAS**, 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 Stoneboro Borough; to preserve the integrity of Stoneboro Borough's records; and to minimize the financial impact to the residents of the Borough regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

**WHEREAS**, it is the policy of the Borough to require the presence of a designated employee when public records are examined and inspected and to charge reasonable fees for duplication of public records of the Borough. Stoneboro Borough designates the Borough Secretary as the Open Records officer, responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines:

- A. The Borough Secretary may designate certain employee(s) to process public record requests.
- B. The Borough Secretary is responsible for minimizing, where possible, the financial impact to the Borough regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.
- C. All requests for public records of the Borough under this policy shall be specific in identifying and describing each public record requests. In no case shall the Borough be required to create a public record which does not exist or to compile, maintain, format or organize a public record in a manner in which the Borough does not currently compile, maintain, format or organize the public record. All requests for public records shall be submitted in writing and include the date of the request; requestor's name, address, and telephone number; certification of United States residency; signature of requestor; and if duplication is requested, appropriate payment.
- D. The designated employee shall make a good faith effort to determine whether each record requested is a public record.
- E. The Borough shall facilitate a reasonable response to a request for Stoneboro Borough's public records. In no case is the Borough expected to provide extraordinary staff to respond to the request, but will respond in a manner

consistent with the borough's administrative responsibilities and consistent with the requirements of the Pennsylvania Right-to-Know Law.

- F. The designated employee shall respond to the requester within five (5) business days from the date of receipt of the written request. If the Borough does not respond within five (5) business days of receipt thereof, the request is deemed denied.
- G. The response provided by the Borough shall consist of:
  - 1) Approval for access to the public record;
  - 2) Review of the request by the designated employee; or
  - 3) Denial of access to the record requested.
- H. If access to the public record requests is approved, the public record shall be available for access during the regular business hours of the Borough. The designated employee shall cooperate fully with the requester, while also taking reasonable measures to protect Borough public records from the possibility of theft and/or modification. The presence of a designated employee is required when public records are examined and inspected.
- I. Fees for duplication of public records shall be as established by the Commonwealth's Office of Open Records. The Borough may at its discretion waive fees.
- J. In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed \$100.00, the designated employee(s) shall obtain the expected cost in advance of fulfilling the request to avoid unwarranted expense of Borough resources.
- K. If the request is being reviewed, the notice provided by the Borough shall be in writing and include the reason for the review and the expected response date, which shall be in writing and include the reason for the review and the expected response date, which shall be within thirty (30) days of the notice of review. If the Borough does not respond within thirty (30) days thereof, the request is deemed denied. Review of the request is limited to situations where:
  - 1) The record requested contains information which is subject to access, as well as information which is not subject to access that must be redacted prior to a grant of access. The redacted information is considered a denial as to that information;
  - 2) The record requires retrieval from a remote location;
  - 3) A timely response cannot be accomplished due to staffing limitations;
  - 4) A legal review is necessary to determine whether the record requested is a public record;
  - 5) The requester has failed to comply with the Borough's policy and procedure requirements;