

SELLERSVILLE BOROUGH POLICY FOR ACCESS TO OPEN RECORDS

The purpose of this policy is to assure compliance with the Pennsylvania Right-to-Know Law, 65 P.S. § 66.1 *et seq.*, as amended, to provide access to public records of Sellersville Borough, to preserve the integrity of Sellersville Borough 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.

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

1. The Open Records Officer may designate certain employee(s) to process public record requests.
2. The Open Records Officer 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.
3. All requests for public records of Sellersville Borough under this policy shall be specific in identifying and describing each public record requested. 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 public records.
4. All requests for public records shall be submitted in writing on either the form provided by the Pennsylvania Office of Open Records or the Sellersville Borough request form which is posted on the Borough's website. The form must be fully completed to be accepted. No verbal or anonymous requests will be accepted.
5. Record requests may be submitted to the Open Records Officer in person, by mail, by email, or by facsimile. Requests submitted after regular business hours shall be deemed to be received on the next business day.
6. All officials and employees of Sellersville Borough shall immediately forward any public record request they receive to the Open Records Officer.
7. The Open Records Officer shall make a good faith effort to determine whether each record requested is a public record, whether the agency has possession, custody or control of the identified records and, if so, whether it is subject to access.
8. The Open Records Officer 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.

9. The response provided by the Borough shall: (1) approve access to the public record; (2) state that the request is being reviewed and more time is needed; (3) approve/deny access in part; or (4) deny access to the record. All responses to a public records request shall be signed by the Open Records Officer.

10. If access to the public record requested is approved, the public record shall be available for access during the regular business hours of the Borough. The Open Records Officer shall cooperate fully with the requester, while also taking reasonable measures to protect 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.

11. Fees for duplication of public records shall be as follows:

- a. Photocopying: 25 cents (\$0.25) per page.
- b. Duplication of public electronic and/or tape records: actual cost to the Borough for duplicating the public record.
- c. Certified copies: \$5.00 per record.
- d. Postage: actual cost to the Borough of mailing the public record.

The Borough may in its discretion waive or reduce fees.

12. In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed \$100.00, the Open Records Officer shall collect an estimate of the expected cost in advance of fulfilling the request to avoid unwarranted expenditure of Borough resources.

13. If an extension of time is reasonably necessary for the Borough to respond to a request, the Open Records Officer shall send written notice to the requester within five (5) business days of receipt of the request for access. The notice shall identify the applicable reason(s) for the extension as set forth in the Right-To-Know-Law, as amended, and the expected response date, which shall not be in excess of thirty (30) days of the notice date. If the Borough does not respond within thirty (30) days of the notice date, the request is deemed denied.

14. If access to the record requested is denied, whether in whole or in part, the notice provided by the Open Records Officer shall be in writing and shall include:

- a. A description of the records requested.
- b. The specific reasons for the denial, including a citation of supporting legal authority.
- c. The typed or printed name, title, business address, business telephone number, and signature of the Open Records Officer on whose authority the denial is issued.
- d. Date of the response.

- e. The procedure to appeal the denial of access under the Right-To-Know-Law.

15. If a written request is denied or deemed denied, the requester may file an appeal with the Pennsylvania Office of Open Records within fifteen (15) business days of the mailing date of the Borough's notice of denial, or within fifteen (15) days of a deemed denial. The appeal shall state the grounds on which the requester asserts that the record is a public record and shall address any grounds stated by the Borough for denying the request.

16. This policy shall be posted conspicuously at the Sellersville Borough building and on the Borough's website together with contact information for the Borough's Open Records Officer, contact information for the Office of Open Records, and the Borough's request form.

17. This policy shall take effect immediately.