

802 Right to Know Requests (Access to Public Records)

Effective Date: 1/7/2025

Revision Date:

1. PURPOSE

This policy is to provide citizens of the Commonwealth the right to request, inspect and obtain copies of public records per Pennsylvania's Right-to-Know Law. This policy is not meant to supersede the normal business activity of Union County ("the County"). With respect to the policy, the following requests should be routed immediately to the County's Open Record's Officer:

- A. A "Right to Know Request" or an "Open Records Request,"
- B. A request for any document(s) that would not be distributed during the office's everyday operations, or
- C. A request for an item or items that may potentially be of a confidential, proprietary or of a legal nature.

All Right to Know requests must be forwarded to a County's Open Records Officer by 4:30 p.m. on the date the request is received by the County. Any questions arising from requests for records/documents must be directed IMMEDIATELY to an Open Records Officer.

2. RELATION TO OTHER LAWS

In the event the provisions of this policy conflict with the Open Records Act or any other State or Federal law, the provisions of this policy shall not apply.

3. ACCESS TO PUBLIC RECORDS

- A. General Rule - Unless otherwise provided by law, a public record of the County is accessible for inspection and duplication by a requester in accordance with this policy. A public record will be provided to a requester in the medium requested if the public record exists in that medium; otherwise, it will be provided in the medium in which it exists. Public records will be available for access during the regular business hours of the County. Nothing in this policy will provide for access to a record, which is not a public record. Please refer to section 708 of the Right to Know Law.
- B. Requests for access to records may be made in written form (E.g. Appendix A). A written request for access to records may be submitted in person, by mail, by facsimile or by electronic means. A written request must be addressed to the County's Open Records Officer under the oversight of either the Board of Commissioners, President Judge, or the Conservation District. Written requests should identify or describe the records sought with sufficient specificity to ascertain which records are being requested and must include the name and address to which the Open Records Officer should address its response.
- C. The County will not consider verbal requests for records or any anonymous requests for records.
- D. If the County Open Records Officer believes a request is anonymous, the County Open Records Officer may request information to confirm that he or she is a qualified requester. A qualified requester shall be a legal resident of the United States. See 65 P.S. §67.102. Accordingly, the County will not

accept any requests generated through artificial intelligence (“AI”) or AI applications. The County shall presumptively deny any AI or anonymous requests, until the Open Records Officer is satisfied the request is from a person, who is a legal resident of the United States. See 65 P.S. §67.102; 1 Pa.C.S. §1991. Name and address shall be verified by the Open Records Officer.

4. ACCESS TO PUBLIC RECORDS

A. RESPONSE TO WRITTEN REQUESTS FOR ACCESS

(1) General Rule – Upon receipt of a written request for access to a record, the County will make a good faith effort to determine if the record requested is a public record and to respond as promptly as possible under the circumstances existing at the time of the request. A response will be made within five (5) business days from the date the written request is received by the County.

Exception - Upon receipt of a written request for access, the County shall determine if one of the following applies:

- a. The request for access requires redaction of a public record in accordance with Section 4.A;
- b. The request for access requires the retrieval of a record stored in a remote location;
- c. A timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations;
- d. A legal review is necessary to determine whether the record is a public record subject to access under this policy;
- e. The requester has not complied with the County’s policies regarding access to public records;
or
- f. The requester refuses to pay applicable fees.

Then, the County will send a written notice to the requester within five (5) business days of its receipt of the request notifying the requester that the request for access is being reviewed, the reason for the review and a reasonable date that a response is expected to be provided.

(2) Denial – If the County’s response is a denial of a written request for access, whether in whole or in part, a written response will be issued. (See procedure for examples) It is not the intent of this policy to make a document a public record that is not a public record in law.

FINAL DETERMINATION

B. Filing Of Exceptions – If a written request for access is denied or deemed denied, the requester may file exceptions with the Office of Open Records as set forth in Section 6 of this policy within 15 business days of the mailing date of the response or within 15 days of a deemed denial. The exceptions shall state grounds upon which the requester asserts that the record is a public record and shall address any grounds stated by the County for delaying or denying the request.

C. Determination – The Office of Open Records shall make a final determination regarding the exceptions within 30 days of the mailing date of the exceptions. Prior to issuing the final determination regarding the exceptions, the Office of Open Records or its designee may conduct a hearing. If the Office of Open Records or its designee determines that the request for access was correctly denied,

then the County will provide a written explanation to the requester of the reason for the denial.

5. OPEN RECORDS OFFICE APPEAL

A. Authorization

(1) If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the Office of Open Records or judicial, legislative or other appeals officer designated under section 503(d) of the Open Records Act within 15 business days of the mailing date of the County's response or within 15 business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts that the record is a public record, legislative record or financial record and shall address any grounds stated by the agency for delaying or denying the request.

(2) Except as provided in section 503(d) of the Open Records Act, in the case of an appeal of a decision by a Commonwealth agency or local agency, the Office of Open Records shall assign an appeals officer to review the denial.

B. Determination

(1) Unless the requester agrees otherwise, the appeals officer shall make a final determination which shall be mailed to the requester and the agency within 30 days of receipt.

- If the appeals officer fails to issue a final determination within 30 days, the appeal is deemed denied.

(2) Prior to issuing a final determination, a hearing may be conducted. The determination by the appeals officer shall be a final order. The appeals officer shall provide a written explanation of the reason for the decision to the requester and the agency.

C. Direct interest

(1) A person other than the County or requester with a direct interest in the record subject to an appeal under this section may, within 15 days following receipt of actual knowledge of the appeal but no later than the date the appeals officer issues an order, file a position statement on behalf of the County.

6. FEES

The following fee schedule is prescribed by the Office of Open Records. Section 1307 of the Right-To-Know law requires the Office of Open Records to establish a fee structure for Commonwealth Agencies and Local Agencies. (See procedure document for additional fee schedule)

The Office of Open Records establishes the following fee structure in accordance with the law.

A) Copies: A "photocopy" is either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5" x 11" page. A copy will cost \$0.25 (25 cents) per page for reproduction.

B) Certification of a Record: \$1.00 per record, not per page. Please note that certification fees do not include notarization fees.

C) Postage Fees, Facsimile/Microfiche/Other Media, Specialized documents: For example, but not limited to, blue prints, color copies, GIS data, non-standard sized documents will be the actual

costs of the documents.

D) Redaction Fee: No redaction fee will be charged.

E) Conversion to Paper: 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.

F) Statutory Fees: If a separate statute authorizes an agency to charge a set amount for a certain type of record, the agency may charge no more than that statutory amount.

G) Inspection of Redacted Records: If a requester wishes to inspect rather than receive a copy of a record and the record contains both public and non-public information, the agency shall redact the non-public information.

H) Prepayment: Prior to granting a request for access in accordance with this Act, the County 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.

I) Waiver Of Fees. The County may waive the fees for duplication of a public record, including, but not limited to, when:

- 1) The requester duplicates the public record; or
- 2) It is deemed in the public interest to do so.

7. POSTING

A copy of this policy and the procedure document shall be conspicuously posted at the following County locations: the main office located in the Union County Government Center located at 155 North 15th Street, Lewisburg, Pennsylvania 17837, as well as on the County's internet website (<https://unioncountypa.org/>):

- (1) Contact information for the county's Open Records Officer.
- (2) Contact information for the Office of Open Records or another applicable appeals officer.
- (3) A copy of the form which may be used to file a request.
- (4) Regulations, policies, and procedures of the County relating to this act.

8. RIGHT TO KNOW LAW PDF WEBLINK

https://www.openrecords.pa.gov/Documents/RTKL/PA_Right-To-Know_Law.pdf?pdft=20220418

Appendix A

Standard Right-to-Know Law Request Form (Page 1)

*Please read carefully. Complete this form and retain a copy of **both** pages; this copy may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied. More information about the RTKL is available at <https://www.openrecords.pa.gov>. In most cases, a completed RTKL request form is a public record.*

SUBMITTED TO AGENCY NAME: _____ (Attn: AORO)

Date Request Submitted: _____ Submitted via: Email U.S. Mail Fax In Person

PERSON MAKING REQUEST:

Full Name: _____

Company (if applicable): _____

Please send response via: Email U.S. Mail

If you wish to obtain records that only exist in hard copy, or must be provided on an electronic storage device, you may be required to provide a mailing address to the agency. See Section 703.

Email: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____ Telephone: _____

How do you prefer to be contacted if the agency has questions? Telephone Email U.S. Mail

By checking this box, I affirm that my full name and contact information is true and correct, and that I am a legal resident of the United States. I understand that failure to check this box may result in the denial of my request and the dismissal of any appeal filed with the Office of Open Records.

RECORDS REQUESTED: *Provide as much detail as possible, including subject matter, time frame, and type of record sought. RTKL requests must seek records, not ask questions. Use additional pages if necessary.*

Appendix A

Standard Right-to-Know Law Request Form (Page 2)

RECORDS REQUESTED (continued):

DO YOU WANT COPIES? Yes, printed Yes, electronic No, in-person inspection

Records shall be provided in the medium requested if they exist in that medium; otherwise, they shall be provided in the medium in which they exist. See Section 701. Your request may require payment or prepayment of fees. View the [Official RTKL Fee Schedule](#) for more details.

I understand that my request may incur fees. Notify me before further processing if fees will be more than \$100 (or) \$_____.

Do you want [certified copies](#)? Yes (may be subject to additional costs) No

ITEMS BELOW THIS LINE FOR AGENCY USE ONLY

Tracking: _____ Date Received: _____ Response Due (5 bus. days): _____

30-Day Ext.? Yes No (If Yes, Final Due Date: _____) Actual Response Date: _____

Request was: Granted Partially Granted & Denied Denied Cost to Requester: \$_____

Appropriate third parties notified and given an opportunity to object to the release of requested records.

Retain a copy of this Form.

Appendix B

DEFINITIONS

The following words and phrases when used in this policy shall have the meanings given to them in this section unless the context clearly indicates otherwise. Any terms not defined here may be defined in the Open Records Act.

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| Administrative proceeding | A proceeding by the County, the outcome of which is required to be based on a record or documentation prescribed by law or in which a statute or regulation is particularized in application to individuals. The term includes an appeal. |
| Aggregated data | A tabulation of data which relate to broad classes, groups, or categories so that it is not possible to distinguish the properties of individuals within those classes, groups or categories. |
| Appeals officer | For the County, this is the Office of Open Records established by Act 3 of 2008, as signed by Gov. Edward G. Rendell on February 14, 2008, and effective January 1, 2009. |
| Confidential proprietary information | Commercial or financial information received by the County: which is privileged or confidential; and the disclosure of which would cause substantial harm to the competitive position of the person that submitted the information. |
| Deemed Denial | A request is deemed denied if one of the following conditions occurs: (i) the Open Records Office receiving a written Open Records Request fails to respond within the initial 5-business-day period; (ii) the Open Records Office extends the 5-business-day period by up to 30-calendar- days, but then fails to respond by the end of that extended period; or (iii) the Open Records Office notifies the Requester that it requires additional time to respond in excess of the permitted 30-calendar-day period. |
| Denial | Determination by the Open Records Officer that the requested information will be withheld from disclosure. |
| Financial record | Any of the following: Any account, voucher or contract dealing with: the receipt or disbursement of funds by any of the departments under the County; or the County's acquisition, use or disposal of services, supplies, materials, equipment, or property. The salary or other payments or expenses paid to an employee of the County including the name and title of the employee. A financial audit report. The term does not include work papers underlying an audit. |

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| Independent agency | Any board, commission or other agency or officer appointed by the County that is not subject to the policy, supervision, and control of the County. The term does not include a legislative or judicial agency. |
| Office of Open Records | The State Office of Open Records established in section 1310 of the Open Records Act. |
| Open Records Act | Act 3 of 2008; 65 P.S. §§ 67.101. |
| Open Records Officer | For the County this is an assigned duty of the Treasurer. In the absence of that officer, the Secretary will serve as Open Records Officer. |
| Personal financial information | An individual's personal credit, charge, or debit card information; bank account information; bank, credit or financial statements; account or PIN numbers and other information relating to an individual's personal finances. |
| Privilege | The attorney-work product doctrine, the attorney-client privilege, the doctor-patient privilege, the speech and debate privilege or other privilege recognized by a court interpreting the laws of this Commonwealth. |
| Public record | A record, including a financial record, of the County that: is not exempt under section 708; 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. |
| Record | Information, regardless of physical form or characteristics, that documents a transaction or activity of an agency 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. |
| Requester | A person that is a legal resident of the United States and requests a record pursuant to this act. The County may require that the Requester to produce photographic identification to establish proof of citizenship. The term includes an agency. |
| Response | Access to a record or the County's written notice to a requester granting, denying or partially granting and partially denying access to a record. |
| Right to Know Law | Official "short title" for the Pennsylvania Open Records Act. |

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| Social services | Cash assistance and other welfare benefits, medical, mental health and other health care services, drug and alcohol treatment, adoption services, vocational services and training, occupational training, education services, counseling services, workers' compensation services and unemployment compensation services, foster care services, services for the elderly, services for individuals with disabilities and services for victims of crimes and domestic violence. |
| Terrorist act | A violent or life-threatening act that violates the criminal laws of the United States or any state and appears to be intended to: intimidate or coerce a civilian population; influence the policy of a government; or affect the conduct of a government by mass destruction, assassination or kidnapping. |
| Trade secret | Information, including a formula, drawing, pattern, compilation, including a customer list, program, device, method, technique, or process that: derives independent economic value, actual or potential, from not being generally known to and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. The term includes data processing software obtained by an agency under a licensing agreement prohibiting disclosure. |