

**BOROUGH OF MONTOURSVILLE  
LYCOMING COUNTY, PENNSYLVANIA**

**OPEN RECORDS POLICY**

Purpose

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

Open Record Officer

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. The Borough of Montoursville hereby designates Secretary/Treasurer as the Primary Borough Open Records Officer and Assistant Secretary as the Alternate Borough Open Records Officer.

The Open Records Officer may be reached at:

Borough of Montoursville  
617 North Loyalsock Avenue  
Montoursville PA 17754  
Telephone: (570) 368-2486  
Facsimile: (570) 368-1711

The Alternate Open Records Officer may be reached at:

Borough of Montoursville  
617 North Loyalsock Avenue  
Montoursville PA 17754  
Telephone: (570) 368-2486  
Facsimile: (570) 368-1711

## General

The Open Records Officer will be responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines.

A. The Open Records Officer may designate certain employee(s) to process public records requests.

B. The Open Record Officer shall review all written requests for access to public records. As soon as possible, but not later than five (5) business days after receiving a written request to access public records, the Open Records Officer shall respond to such requests in writing consistent with Act 3 of 2008, the Right-to-Know Law.

C. Upon receipt of a written open records request, the Open Records Officer or his/her designee shall:

1. Note the date of receipt on the written request.
2. Compute the day on which the five-day period will expire and make a notation of that date on the written request.
3. Maintain an electronic or paper copy of a written request, including all documents submitted with the request, until the request has been fulfilled. If the request is denied, the written request shall be maintained for thirty (30) days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied.

D. 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 copy of public records.

E. All requests for public records of the 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 the public record. If the requester desires to pursue the relief and remedies provided for in the Right-to-Know Law, then the request for public records must be submitted in writing and on a form provided by the Borough as attached hereto, entitled "Right-to-Know Request Form" and include the name and address to which the Open Records Officer shall address his/her response.

F. The designated employee shall make a good faith effort to determine whether each record requested is a public record. The Open Records Officer shall cooperate with those requesting records to review and/or duplicate original Borough documents while taking reasonable measure to protect Borough documents from the possibility of theft, damage, and/or modification.

G. The Borough shall facilitate a reasonable response to a request for Borough's public records. In no case is the Borough expected to provide extra 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 to Right-to-Know Law.

H. 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.

I. 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 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.

### Fees

Fees for duplication of public records shall be established by the Commonwealth's Office of Open Records. Specialized documents including, but not limited to blue prints, color copies, and non-standard sized documents shall be charged the actual cost of production. If mailing is requested, the cost of postage will be charged. The Borough shall require prepayment if the total fees are estimated to exceed \$100.00. The Borough may at its discretion waive fees.

### Review of Records

If the request is being reviewed, the notice provided by the Borough shall be in writing and include the reason for 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:

A. 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;

B. The record requires retrieval from a remote location;

C. A timely response cannot be accomplished due to staffing limitations;

D. A legal review is necessary to determine whether the record requested is a public record;

- E. The requester has failed to comply with the Borough's policy and procedure requirements; or
- F. The requester refuses to pay the applicable fees.
- G. The extent of nature of the request precludes a response within the required time period.

Upon a determination that one of the facts above applies, the Borough shall send written notice to the requester within five (5) business days of receipt of the request for access. The notice shall include a statement notifying the requester that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided with an estimate of applicable fees owed when the record becomes available. If the date that a response is expected to be provided is in excess of thirty (30) days, following the five (5) business days allowed for, the request for access shall be deemed denied unless the requester has agreed in writing to an extension to the date specified in the notice. If the requester agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice if the agency has not provided a response by that date.

#### Denial of Request

If access to the record requested is denied, the notice provided by the Open Records Officer shall be in writing and shall include:

- A. A description of the record 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.

The Borough shall make a good-faith effort to provide the requested public record(s) as promptly as possible. If access to a record is denied, the response shall include a reason for denial as stipulated in Act 3 of 2008, the Right-to-Know Law.

#### Appeals Process

If the request is denied or deemed denied, the requester may file an appeal with the Commonwealth's Office of Open Records within fifteen (15) business days of the

mailing date of the Borough's notice of denial or within fifteen (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 and shall address any grounds stated by the Borough for delaying or denying the request.

This policy shall be posted conspicuously at the Borough Office on a public bulletin board.

This policy shall take effect on January 1, 2009.

