

**EAST FALLOWFIELD TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA
RESOLUTION NO. 2008 - 16**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF EAST
FALLOWFIELD TOWNSHIP, CHESTER COUNTY,
PENNSYLVANIA, TO COMPLY WITH THE RIGHT-TO-KNOW
ACT OF 2008.**

I. SUBJECT

Public Access to Information.

II. PURPOSE

To establish policies and procedures for the release to the public of public records in the custody of East Fallowfield Township pursuant to the Right to Know Law, the Act of February 14, 2008, P.L. __ __, 65 P.S. §66.1 et. seq.

III. SCOPE

Applies to all boards, commissions, committees, officials and employees of the Township.

IV. OBJECTIVES

To afford any individual or business the opportunity to examine or copy public records at reasonable hours and places; and

To provide a uniform system for the access and release of public records.

V. POLICY

It is the policy of East Fallowfield Township to afford any individual or business the opportunity to examine or copy public records at reasonable hours and places.

The Pennsylvania "Right to Know" law requires municipalities to provide access to "public records" which is specifically defined by the law. The Right to Know law now defines "public records" to include financial accounts, minutes, orders or decisions, regardless of physical form or characteristics. In addition, other Pennsylvania laws provide that specific information, such as permit applications, are available to the public. It is the Township's intent to conform to all state laws governing the access of public records.

Information may be examined or copied in the form available to the Township at the Township's municipal building. The Township is not required to sort information, extract data or prepare reports in formats which are not in the Township's possession. The Township is not required to release public records to the custody of others.

VI. PROCEDURES

The Township has appointed an Open Records Officer who is responsible for ensuring that the public has proper access to public records in the custody of the Township.

Requests to view public records must be made by written application on a form supplied by the Township or the Commonwealth's Office of Open Records and sent to the attention of the Open Records Officer. It is the intent of the Township to grant or deny requests for access to public records without undue delay, subject to a response time of five (5) working days, unless the Township notifies the requester within said period of a delay in providing a response or production of the records as allowed under the law. The delay in providing a response or producing the records is limited to thirty (30) days from the date of the request, unless the requester grants the Township an extension. The Township will not honor "on the spot" requests, unless the Open Records Officer determines that the information is readily available. If the request is granted, it is the responsibility of the Open Records Officer to advise the requester promptly of the time at which documents will be available for viewing or copying.

If a citizen is denied access, the Open Records Officer will notify the requester of the reason. In the notification of denial the Open Records Officer will inform the requester of his/her right to appeal the decision to the Office of Open Records or the Chester County District Attorney's Office for certain police records, within fifteen (15) working days from the date of mailing the notice of denial.

Office of Open Records

Commonwealth Keystone Building 400
North Street, Plaza Level
Harrisburg, PA 17120-0225

District Attorney of Chester County

201 West Market Street Suite 4450
West Chester, PA 19380.
Phone No. 610-344-6801

In order to protect the security of material in the possession of the Township, file reviews may be monitored.

VII. FEES

The Township hereby adopts as its fee schedule for any public records request the following:

1. Copies are charged on a \$0.25 per page per side (8½ x 11) basis. Pennsylvania sales tax will be added to charges for copying documents.
2. If a public record is only maintained in electronically or other nonpaper media, and the requester asks for the record in that media, duplication fees shall be the cost incurred by the Township to supply the necessary device required to transfer the public record in that media. (In order to maintain the security of the Township electronic files the Township reserves the right to require the requestor to receive the public record on a transfer devices purchased by the Township.)
3. Postage fee not to exceed actual mailing costs.
4. Request for certification shall be charged \$1.00 per document regardless of the amount of pages. Each document requires separate certification and fee.
5. All third party charges incurred by the Township necessary to fulfill the request. With the exception of legal fees incurred to determine if records are public records.
6. Township employee hourly rate for the time spent fulfilling the request. With the exception of time spent reviewing a record to determine if it is a public record and making duplications.

If any of the above established fees is preempted by a fee schedule established by the Office of Open Records, the Township shall charge the fee established by the Office of Open Records. To the extent possible, the Open Records Officer will make the direct charges known to the requester before the request is filled, and advise the requester if personnel costs will be charged. If the total charge exceeds \$100.00, the requester will be required to pay costs before the documents are prepared.

A schedule of all current fees is to be available from the Open Records Officer.

VIII. REVIEW OF PUBLIC RECORDS

The conditions under which a requestor may review public records in the control of the Township are subject to the procedures and policies established by the Township based on the time and location of the requestor's review and the materials to be reviewed.

IX. DEPUTY OPEN RECORDS OFFICER

The Township has appointed a Deputy Open Records Officer who is responsible for ensuring that the public has proper access to public records in the custody of the Township when the Open Records Officer is unable to perform the duties assigned to the

position under the Right to Know Law or this Resolution. During the time the Deputy Open Records Officer performs any of the duties of the Open Records Officer, the Deputy Open Records Officer shall follow the policies and procedures described in this Resolution.

X. EFFECTIVE DATE

Policy effective on the 1st day of January, 2009.

RESOLUTION adopted by the East Fallowfield Township Board of Supervisors this ____ day of _____, 2008.

**BOARD OF SUPERVISORS
EAST FALLOWFIELD TOWNSHIP**

George Broadbent, Jr., Chairman

Chris Makely, Vice Chairman

Garth Monaghan, Supervisor

Attest:

Denise Miller, Township Secretary