

RESOLUTION #532
JEFFERSON TOWNSHIP, BUTLER COUNTY PENNSYLVANIA
RIGHT-TO-KNOW POLICY FOR PUBLIC RECORDS

I. Introduction

Jefferson Township (the “Township”), Butler County, Pennsylvania, is a body corporate and politic, governed by the Second Class Township Code, 53 P.S. § 65101 et seq. As such, the Township is local agency for purposes of the Pennsylvania Right to Know Law, Act 3 of 2008 (the “Right to Know Law”).

All local agencies shall provide public records in accordance with the Right-to-Know Law. Therefore, any record in the possession of the Township shall be presumed to be a public record, except in the following circumstances:

- (a) The record is exempt under section 708 of the Right-to-Know Law;
- (b) The record is protected by the attorney-work product doctrine, the attorney-client privilege, or other privilege recognized by the laws of the Commonwealth of Pennsylvania (i.e., statute or case law); or
- (c) The record is exempt from disclosure under any other federal or state law or regulation, or judicial order or decree.

Records are broadly defined under the Right-to-Know Law. 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. Requests for public records can be made by any person who is a legal resident of the United States, including resident aliens. Requests to the Township can also be made by other local agencies, Commonwealth agencies (e.g., The Department of the Auditor General or the Treasury Department), judicial agencies (i.e., the courts), or legislative agencies (e.g., the Senate and House of Representatives).

II. Access and Procedure

Request shall be made in writing to the Township Open Records Officer using the PA Office of Open Records’ Standard Right-To-Know Request form. Anonymous or verbal requests will not be considered.

The Township Board of Supervisors will designate the Open-Records Officer (RTK Officer) at the annual meeting in January. The Officer’s contact information is set forth below:

Open Records (RTK) Officer
Jefferson Township
157 Great Belt Road
Butler, PA 16002-9026
phone: (724) 352-2324 fax: (724) 352-8850

The email address is provided on the township website: www.jeffersonbutler.com
Questions regarding this policy may be directed to the Officer at the telephone or e-mail address listed above.

All written requests must be addressed to the Officer. In the event that a written request for records is addressed to a Township employee other than the Officer, the Township employee is hereby directed to promptly forward such requests to the Officer. Requests for records must be in writing on the required form and directed to the Open Records Officer.

All written requests should identify or describe the record sought with sufficient specificity to enable the Township to ascertain which records are being requested. Unless otherwise required by law, a written request need not include any explanation of the requester's reason for requesting the records or the intended use of such records. A form which may be used to file a request is attached hereto and posted on the Township's internet website at www.jeffersonbutler.com under 'forms.' Requests must identify the medium in which the record is requested **if available**. Requests must include a name and address to which the Township may address its response.

Fees shall be according to the Official Open Records Fee Schedule, Section 1307 of the Right-To-Know Law. A copy of this can be found at www.jeffersonbutler.com under 'forms.'

In all circumstances, the requester must agree to pay applicable fees authorized by the Right-to-Know Law, such as (but not limited to) postage (not to exceed actual cost of mailing), duplication and certification. **All applicable fees shall be paid before a requester receives access to the record(s) requested.**

A record being provided to a requester shall be provided in the medium requested IF it exists in that medium; otherwise, it shall be provided in the medium in which it exists. **In other words, the Township shall not be required to create a record which does not currently exist or to otherwise compile, maintain, format or organize a record in a manner in which it does not currently compile, maintain, format or organize such record.** The Township may impose reasonable fees for official certification of copies if the certification is at the behest of the requester and for the purpose of legally verifying the public record.

Upon receipt of a written request for a public record, the Officer shall do the following:

- (a) Note the date of the receipt on the written request.
- (b) Compute the day on which the five-business day period (current township office hours) following the Section III. Township's Response below, will expire, and make a notation of that date on the written request; and
- (c) Create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.

III. Township's Response

Upon receipt of a written request for access to a record, the Township shall make a good faith effort to determine if the record requested is a public record and whether the Township has possession, custody or control of the identified record.

1. The Township shall respond to requests within 5 business days of receipt of the request by the Open Records Officer.
2. If the Township does not respond to a request within 5 business days of receipt of a written request, the request shall be deemed denied.

3. The Open Records Officer shall determine as to each written request:
 - a. Whether redaction of records is required.
 - b. Whether access requires retrieval of records stored in a remote location.
 - c. Whether timely response is not possible due to staffing limitations.
 - d. Whether legal review is necessary to determine whether the record is accessible.
 - e. Whether the requestor has complied with the Township's policies regarding access to records.
 - f. Whether the requestor refuses to pay applicable fees.
 - g. Whether the extent or nature of the request precludes a response within the required time period.
4. If one of the above factors applies, the Open Records Officer shall send written notice to the requestor within 5 business days of receipt of the request which includes:
 - a. Statement that the request is being reviewed.
 - b. The reason for the review.
 - c. A reasonable date that a response is expected to be provided.
 - d. Estimate of applicable fees.
5. If the date a response is expected under section 4 above is greater than 30 days after the 5 business days allowed for the initial response, the request shall be deemed denied unless the requester agrees in writing to an extension to the date specified in the notice.
6. If the requester agrees to an extension as provided in section 5 above, the request shall be deemed denied on the day following the date specified in the notice if no response is provided by that date.
7. If the request is denied, the Open Records Officer will send the requester a letter stating
 - 1) a description of the record requested;
 - 2) the specific reasons for the denial, including a citation of supporting legal authority;
 - 3) contact information for the Open Records Officer;
 - 4) the date of the response; and
 - 5) the procedure to appeal the denial.

For purposes of this policy, the "mailing date" shall be the date affixed to a: (1) response from the Officer to a request, which is to be the date the response is deposited in the U.S. mail; (2) final determination from the Officer, which is to be the date the final determination is deposited in the U.S. mail.

V. Appeal of Township's Determination

1. If a request is denied or deemed denied, the requester may file an appeal with the Office of Open Records within 15 business days of the mailing date of the Township's response or within 15 business days of a deemed denial. The address is:

Commonwealth of Pennsylvania
Office of Open Records
333 Market Street - 16th Floor
Harrisburg, PA 17101
717-346-9903
2. Please note that a copy of the requester's original request and the township's denial letter must be included when filing an appeal. The law requires an appeal to include reasons why the record is a public record and to address the reasons for denial that the township stated in its denial letter. Visit the OOR's website at www.openrecords.pa.gov for additional information on filing an appeal.

The Office of Open Records has established an internet website with information relating to the Right-to-Know Law, including information on fees, advisory opinions and decisions, plus the name and address of all Open-Records Officers in the Commonwealth of Pennsylvania. For information on the Office of Open Records, please go to www.openrecords.pa.gov

Retention of Records

By adoption of Resolution #532 (which supersedes previous Resolution #285 and #460) the Township publicly declared its intention to follow the Municipal Records Act, 53 Pa. C.S.A. § 1381 et seq., with respect to the retention and disposition of public records. Nothing in the Right-to-Know Law shall be construed to modify, rescind or supersede the Township's lawfully adopted record retention and disposition policy. Moreover, nothing in the Right-to-Know Law shall be construed to require access to any computer of the Township, or that of an individual or employee of the Township.

Adopted this 12th day of AUGUST 2024 by the Jefferson Township Board of Supervisors.


Secretary


Chairman

