SPRINGETTSBURY TOWNSHIP

RESOLUTION NO. 2024-44

A RESOLUTION OF SPRINGETTSBURY TOWNSHIP, YORK COUNTY, TO ESTABLISH A POLICY AND PROCEDURES FOR REQUESTS SUBMITTED UNDER THE PENNSYLVANIA RIGHT-TO-KNOW LAW, 65 P.S. §§ 67.101-67.3104

WHEREAS, Springettsbury Township ("Township") is a second-class township duly organized and existing under the Second-Class Township Code; and

WHEREAS, the Township is a "local agency" as defined in the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101-67.3104 (the "RTKL"); and

WHEREAS, the Board of Supervisors now desires to establish a policy and procedures for requests submitted under the RTKL.

NOW, THEREFORE, BE IT RESOLVED and it is hereby resolved as follows:

SECTION 1. The Board of Supervisors adopts the Springettsbury Township, York County Right-to-Know Policy for Public Records as attached hereto as Exhibit "A", as the official policy and procedures of the Township for requests submitted under the RTKL.

SECTION 2. This Resolution shall be effective immediately and supersedes all prior open records policies.

RESOLVED this 22nd day of August 2024.

ATTEST:

SPRINGETTSBURY TOWNSHIP
BOARD OF SUPERVISORS

_____
Doreen K. Bowders, Secretary

By:_____
Mark Swomley, Chairman

EXHIBIT A

SPRINGETTSBURY TOWNSHIP, YORK COUNTY, PENNSYLVANIA
RIGHT-TO-KNOW POLICY FOR PUBLIC RECORDS

I. Introduction

Springettsbury Township ("Township"), York, Pennsylvania, is a body corporate and politic, being a Second Class Township, governed by the Second Class Township Code, 53 P.S. §65101 et seq. As such, the Township is a local agency for purposes of the Right-to-Know Law, 65 P.S. §§ 67.101-67.3104.

All local agencies are required to 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 §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 a court interpreting the laws of the Commonwealth of Pennsylvania; or

C. The record is exempt from disclosure under any other federal or state law or regulation, or judicial order or decree.

II. Definitions

The following terms when used in this Policy shall have the meanings set forth in this section unless the context clearly indicates otherwise:

A. "Alternate Open Records Officer" shall mean any Township official or employee designated by resolution of the Supervisors to act on behalf of the Township pursuant to the Right-To-Know Law in the absence of the Open Records Officer.

B. "Business day" shall mean any day other than a Saturday, Sunday, holiday or other day when Township employees are not required to be at work (this does not include those departments which operate on a twenty-four hour basis).

C. "Open Records Officer" shall mean any Township official or employee designated by resolution of the Supervisors to act on behalf of the Township pursuant to the Right-To-Know Law.

D. "Public Record" shall mean a record which is subject to inspection and/or duplication pursuant to the Right-To-Know Law.

E. "Record" shall mean information, regardless of physical form or characteristics, that documents a transaction or activity of the Township and is created, received or retained pursuant to law or in connection with a transaction, business or activity of the Township. 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.

F. "Requester" shall mean a person that is a legal resident of the United States and requests a record pursuant to the Right-To-Know Law. The term includes agency.

G. "Response" shall mean access to a record or the Open Records Officer's written notice to a requester granting, denying or partially granting and partially denying access to a record.

III. Responsibilities of Open Records Officer

The Open Records Officer(s) shall:

A. Receive requests made pursuant to the Right-To-Know Law, unless said request involves records pertaining to or related to the requests for records of the judiciary other than financial records;

B. Act on behalf of the Township in receiving and responding to requests for public records in accordance with the Right-To-Know Law;

C. Make a good faith effort to determine whether the record requested is a public record;

D. Direct requests to other appropriate persons within the Township or to appropriate persons in another agency;

E. Track the Township's progress in responding to requests;

F. Issue interim and final responses pursuant to the Right-To-Know Law;

G. Respond to requests in a manner consistent with the Township's responsibilities and the requirements of the Right-To-Know Law;

H. Track requests submitted to the Township's Open Records Officer to ensure compliance with the Right-To-Know Law;

I. Consult with the Township's Solicitor or legal counsel as needed to address any legal issues related to a request and/or response to a request;

J. Issue updates and/or reminders to and provide training for Township staff regarding the Right-To-Know Law and any amendments thereto;

K. Fulfill any and all duties and/or responsibilities set forth in the Right-To-Know Law and any amendments thereto.

IV. Access and Procedure

A. Requesters may make oral requests for access to records. However, if the requester wishes to pursue the relief and remedies provided for in the Right-to-Know Law, including the right to appeal a determination of the Township, the request for access to records must be a written request.

B. The Township does not accept anonymous requests. A written request for access to records may be submitted in person, by mail, by electronic mail, or by facsimile. In the event that a written request for records is addressed to a Township employee other than the Open Records Officer, the Township employee shall promptly forward such requests to the Open Records Officer.

C. In no case shall the Township be required to create a record which does not exist or to compile, maintain, format, or organize a record in a manner which the Township does not currently compile, maintain, format, or organize the record.

D. A record being provided to a requester shall be provided in the medium requested, if it exists in that medium; otherwise, the record shall be provided in the medium in which it exists.

E. A requester may have certified copies of the public record if: 1. Access to the written request has been approved; 2. The requester asks for a certified copy; and 3. The requester pays the applicable fees.

F. If access to a public record is granted, the public record shall be made available for access during regular business hours.

G. The presence of a Township employee is required when public records are examined or inspected.

H. The Township may make its records available through any publicly accessible electronic means. The Township may respond to a request by notifying the requester that the record is available through publicly accessible electronic means, or that the Township will provide access to inspect the record electronically. If the requester is unwilling or unable to access the record electronically, the requester may, within 30 days following receipt of Township notification, submit a written request to the Open Records Officer to have the record converted to paper. The Township shall provide access to the record in printed form within five days of the receipt of the written request for conversion to paper. The Township may charge a conversion to paper fee for the conversion of the record to paper.

I. If the Township provides access to a record that is not a public record, the Township may notify any third party that provided the record to the Township, the person that is the subject of the record, and the requester, in the sole discretion of the Open Records Officer.

J. If a third party provided a record to the Township and included a written statement signed by a representative of the third party that the record contains a trade secret or confidential proprietary information, the Township shall notify that third party of a request for that record within 5 business days of receipt of the request. The third party shall have 5 business days from receipt of the notification from the Township to provide input on the release of the record. The Township shall release the record or deny the request within 10 business days of providing notice to the third party and shall notify the third party of the Township's decision.

K. Redaction, when appropriate, shall be done in accordance with the Right-To-Know Law.

L. The Township may deny access to a record if the requester has made repeated requests for that same record and the repeated requests have placed an unreasonable burden on the agency.

M. 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 available from the Township upon request. The Township shall assign a tracking number to each filed form so as to track the Township's progress in responding to requests under the Right-to-Know Law.

N. The Township shall have the right to collect all fees due for the records prior to delivering the records to a requester. Once the records have been collected and the fee for those records has been determined, the Officer will notify the requester in writing of the availability of the records and the fees due. The fees shall be authorized by a resolution of the Township, and shall be based on the fees authorized by the state's Office of Open Records. Also, prior to granting a request for access in accordance with the Right-to-Know Law, the Township may require a requester to prepay an estimate of the authorized fees if the fees required to fulfill the request are expected to exceed $100.00. Except as otherwise provided by statute, no other fees may be imposed unless the Township necessarily incurs costs for complying with the request, and such fees must be reasonable.

The Open Records Officer's (and Alternate Open Records Officer's) contact information is set forth below:

Springettsbury Township
1501 Mount Zion Road
York, PA 17402
Phone: 717-757-3521

FAX: 717-757-7856
www.springettsbury.com

Questions regarding this policy may be directed to the Open Records Officer at the address, telephone number, or website listed above.

V. 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. When doing so, the Township will respond as promptly as possible under the circumstances existing at the time of the request. Under the Right-to-Know Law, the Township must send a response within five (5) business days of receipt of the written request for access, or else the written request shall be deemed denied.

Upon receipt of a written request for access, the Open Records Officer shall determine if one of the following applies:

A. The request for access requires redaction of a record in accordance with the Right-to-Know Law;

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 record subject to access under the Right-to-Know Law;

E. The requester has not complied with the Township's policies regarding access to records;

F. The requester refuses to pay applicable fees authorized by the Right-to-Know Law; or

G. The extent or nature of the request precludes a response within the required time period of five (5) business days.

Upon a determination that one or more of the factors listed above applies, 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 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, and an estimate of applicable fees owed when the record becomes available. Information which the Township redacts in accordance with the Right-to-Know Law shall be deemed a denial.

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 above, 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 Township has not provided a response by that date.

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

VI. Appeal of Township's Determination

If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the state's Office of Open Records within fifteen (15) business days of the mailing date of the Township's response or within fifteen (15) business day 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 Township for delaying or denying the request.

The state's Office of Open Records has established an internet website at www.openrecords.state.pa.us 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. The name, address, telephone number, and e-mail address for the Appeals Officer of the Office of Open Records and for the Office of Open Records is:

Executive Director
Commonwealth of Pennsylvania
Office of Open Records
555 Walnut Street, Suite 605
Harrisburg, PA 17101-2234
Telephone: 717-346-9903
E-mail: rtk-dced@pa.gov

VII. Retention of Records; Access to Township Computers

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.