ANTRIM TOWNSHIP MUNICIPAL AUTHORITY

FRANKLIN COUNTY, PENNSYLVANIA

RESOLUTION NO.

A RESOLUTION OF THE ANTRIM TOWNSHIP MUNICIPAL AUTHORITY ESTABLISHING A RIGHT-TO-KNOW POLICY WHICH MEETS THE REQUIREMENTS OF ACT 3 of 2008.

RIGHT-TO-KNOW POLICY

SECTION 1. Open Record Officer

The Authority hereby designates Joyce A. Nowell as the Authority's Open Records Officer.

The Open Records Officer may be reached at the Antrim Township Municipal Building, 10655 Antrim Church Road, Greencastle, Pennsylvania, 17225. The telephone number is (717) 597-3818. The fax number is (717) 597-4257. The e-mail address is Jnowell@twp.antrim.pa.us. The Township of Antrim has a website on which the Authority's information is contained with all of the above information as well at www.twp.antrim.pa.us.

SECTION 2. General

All documents deemed public records by Act 3 of 2008 shall be available for inspection, retrieval, and duplication at the Municipal Building during established business hours from 8:00 a.m. to 4:30 p.m. Monday through Friday with the exception of holidays.

SECTION 3. Requests

Requests shall be made in writing to the Authority's Open Records Officer on a form provided by the Authority. (See attached form)

SECTION 4. Fees

Paper copies Black and White shall be 25 cents per page per side. The certification of a record is $1 per record. Specialized documents including, but not limited to blue prints, color copies, and non-standard sized documents shall be charged as follows:

Xerox wide document copies black and white shall be $0.50 per square foot.

18 x 24	$1.50
24 x 36	$3.00
36 x 48	$6.00

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.

If mailing is requested, the cost of postage will be charged.

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

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 Authority shall redact the non-public information. The Authority may not charge the requester for the redaction. However, the Authority may charge for the copies it must make of the redacted material in order for the requester to view the public record. The Fee structure outlined above will apply. If, after inspecting the records, the requester chooses to obtain the copies, no additional fee may be charged.

Fee Limitations. Except as otherwise provided by statute, the law states that no other fee may be imposed unless the Authority necessarily incurs costs of complying with the request, and such fees must be reasonable. No fee may be imposed for the Authority's review of a record to determine whether the record is a public record, legislative record or financial record subject to access in accordance with this Act. No fee may be charged for searching for or retrieval of documents. An Authority may not charge staff time or salary for complying with a Right-To-Know request.

Prepayment. Prior to granting a request for access in accordance with this Act, the Authority shall 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 $100.00.

SECTION 5. <u>Authority's Response</u>

Upon receipt of a written request for access to a record, the Authority shall make a good faith effort to determine if the record requested is a public record and whether the Authority has possession, custody or control of the identified record. When doing so, the Authority will respond as promptly as possible under the circumstances existing at the time of the request. Under the Right-to-Know Law, the Authority 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. For purposes of this policy, a business day is any Monday, Tuesday, Wednesday, Thursday or Friday, except those days when the Authority's office is closed for all or part of a day The response will indicate: (1) the request for access to public records has been approved, (2) further

review of the request is necessary, as set forth below, or (3) the request for access has been denied.

Upon receipt of a written request for access, the 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 can not 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 Authority'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 of the factors listed above applies, the 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 Authority 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 Authority 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 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.

SECTION 6. <u>Contact Information for Appeals</u>

If a written request is denied or deemed denied, the requester may file an appeal in writing to Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, Plaza Level Harrisburg, PA, 17120-0225.

Appeals of criminal records shall be made to John F. Nelson, District Attorney of Franklin County, Franklin County Courthouse, 157 Lincoln Way East, Chambersburg, PA, 17201.

SECTION 7. Appeals Process

The appeal shall be filed within 15 business days of the mailing date of the Authority's response or within 15 business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts the records are public record and shall address any grounds stated by the Authority for delaying or denying the request.

SECTION 8. Effective Date

This policy shall take effect on January 1, 2009.

DULY RESOLVED this 29th day of December 2008, by the Antrim Township Municipal Authority, Franklin County, Pennsylvania, in lawful session assembled.

ANTRIM TOWNSHIP MUNICIPAL AUTHORITY
FRANKLIN COUNTY, PENNSYLVANIA

Attest:

Joyce A. Nowell

Joyce A. Nowell, Secretary

Elwood Myers

Elwood Myers, Chairman