

**TOWNSHIP OF UPPER AUGUSTA
NORTHUMBERLAND COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2008- 5

WHEREAS, the Board of Supervisors of Upper Augusta Township, located in Northumberland County, Pennsylvania, constitutes the chief governing body of Upper Augusta Township; and

WHEREAS, the Board of Supervisors deems it necessary to enact an Open Records Policy to comply with the new Right to Know Act Law, Act 3 of 2008.

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of Upper Augusta Township hereby adopt the following Open Records Policy:

1. Requests.

Requests for documents shall be in writing and directed to the appointed Open Records Officer for the Township of Upper Augusta. Written requests shall be on a form provided by the Township and shall include the date of the request, the name and address of the requestor, and a clear description of the records sought.

2. Fees.

The fees for duplication of the documents shall be those fees set forth by the Office of Open Records for the Commonwealth of Pennsylvania.

A request will not be processed until such time as the fee is paid with the request form.

3. Response.

The Township will make a good faith effort to provide the requested public records as promptly as possible. The Open Records Officer shall review all written requests for access to public records. As soon as possible, but no later than five (5) days after receiving a written request to access public records, the Open Records Officer shall respond to such request in a manner

consistent with Act 3 of 2008, the new Open Records Law. In the event that the Township fails to timely respond to a written request for records pursuant to Act 3 of 2008, the same shall be a deemed denial.

4. Additional Time to Respond.

The Open Records Officer shall, upon receipt of the written request for documents, determine if one of the following applies:

- (A) The request for access requires redaction of the record;
- (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 this Act;
- (E) The requester has not complied with the Agency's policies regarding access to records;
- (F) The requester refuses to pay applicable fees; or
- (G) The extent or nature of the request precludes a response within the required time period.

Upon determining that one of the above applies, the Open Records Officer shall send a written notice to the requester within five (5) business days within receipt of the request for access and said 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. A response shall be

given to the provider within thirty (30) days after service of said notice unless the requester agrees in writing to an extension.

5. Denial.

If the Township's response is a denial of a written request for access, whether in whole or in part, the denial shall be issued 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 types or printed names, 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 New Right to Know Law.

6. Appeals Process

If a written request is denied or deemed denied, the requester may file an appeal with the Office of Open Records within fifteen (15) business days of the mailing date of the Township's denial. The appeal shall state the grounds upon which the requester asserts that the record is a public record, legislative record or financial record and shall address any grounds stated by the agency for delaying or denying the request. The appeal must comply with Act 3 of 2008.

All appeals shall be submitted to Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, Fourth Floor, Harrisburg, Pennsylvania, 17120.

Within thirty (30) days of the mailing date of the final determination of the office of open records relating to a decision of the Township, a requester or the Township may file a petition for review or other document as required by the rules of Court with the Court of Common Pleas of Northumberland County.

7. Posting


A copy of this policy shall be posted in a conspicuous place at the Township Building.

8. Open Records Officer

The Township pursuant to the provisions of Act 3 of 2008 hereby appoints Amy A. Horne to act as the open records officer.

UPPER AUGUSTA TOWNSHIP
BOARD OF SUPERVISORS

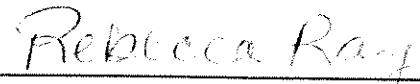
BY:



Todd Wetzels, Chairman



Ed Markowski, Vice Chairman

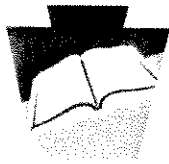


Rebecca Ray, Supervisor

ATTEST:



Amy A. Horne, Secretary



pennsylvania

OFFICE OF OPEN RECORDS

Fee Structure

Section 1307 of the Right-To-Know law requires the Office of Open Records to establish a fee structure for Commonwealth Agencies and Local Agencies. To promote uniformity among all agencies, the Office of Open Records encourages Judicial and Legislative agencies, which can set their own fees, to adopt the following fee structure. All agencies are advised that duplication fees can be waived.

The Office of Open Records establishes the following fee structure in accordance with the law.

Fee Structure

Record Type	Fee
Copies: <i>(A "photocopy" is either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5" x 11" page)</i>	Between .10 per page to a maximum .25 per page.
Certification of a Record:	\$1 per record, not per page. Please note that certification fees do not include notarization fees.
Specialized documents: For example, but not limited to, blue prints, color copies, non-standard sized documents	Actual Cost
Facsimile/Microfiche/Other Media:	Actual Cost
Redaction Fee:	No Redaction Fee May be Imposed

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. (Sec. 1307(e)).

Postage Fees:

Fees for Postage May Not Exceed the Actual Cost of Mailing

Please Also Be Advised:

- **Statutory Fees:** If a separate statute authorizes an agency to charge a set amount for a certain type of record, the agency may charge no more than that statutory amount. For example, a Recorder of Deeds may charge a copy fee of 50 cents per uncertified page and \$1.50 per certified page under 42 P.S. § 21051. Police departments have the authority to charge up to \$15 per report for providing a copy of a vehicle accident report. 75 Pa.C.S. §3751 (b)(2). Philadelphia police may charge up to \$25 per copy. *Id.* at (b)(3). State police are authorized to charge "\$5 for each copy of the Pennsylvania State Police full report of investigation." 75 Pa.C.S. §1956(b).
- **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 agency shall redact the non-public information. An agency may not charge the requester for the redaction. However, the Agency 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.
- **Enhanced Electronic Access:** If an agency offers enhanced electronic access to records in addition to making the records accessible for inspection and duplication by a requester, the agency may establish user fees specifically for the provision of the enhanced electronic access, but only to the extent that the enhanced electronic access is in addition to making the records accessible for inspection and duplication by a requester as required by this Act. The user fees for enhanced electronic access may be a flat rate, a subscription fee for a period of time, a per-

transaction fee, a fee based on the cumulative time of system access or any other reasonable method and any combination thereof. **The user fees for enhanced electronic access must be reasonable, must be pre-approved by the Office of Open Records and shall not be established with the intent or effect of excluding persons from access to records or duplicates thereof or of creating profit for the agency.** Please submit any request to the Office of Open Records, 400 North Street, Harrisburg, PA. 17120.

- **Fee Limitations:** Except as otherwise provided by statute, the law states that **no other fees may be imposed** unless the agency necessarily incurs costs for complying with the request, and such fees must be reasonable. No fee may be imposed for an agency'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 agency may not charge staff time or salary for complying with a RTK request.
- **Prepayment:** Prior to granting a request for access in accordance with this Act, an agency may 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.
 - Once the request is fulfilled and prepared for release, the Office of Open Records recommends that the agency obtain the cost of the records prior to releasing the records. This recommendation is designed to avoid situations in which the agency provides the records and the requester fails to submit payment.



UPPER AUGUSTA TOWNSHIP
2087 Snyderstown Road
Sunbury, PA 17801
(570) 286-0912
(570) 286-4412 Fax
uat@upperaugustatwp.org

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED:

REQUEST SUBMITTED BY: E-MAIL U.S. MAIL FAX IN-PERSON

NAME OF REQUESTOR : _____

STREET ADDRESS : _____

CITY/STATE/COUNTY (Required): _____

TELEPHONE (Optional): _____

RECORDS REQUESTED:

**Provide as much specific detail as possible so the agency can identify the information.*

DO YOU WANT COPIES? YES or NO

DO YOU WANT TO INSPECT THE RECORDS? YES or NO

DO YOU WANT CERTIFIED COPIES OF RECORDS? YES or NO

RIGHT TO KNOW OFFICER:

DATE RECEIVED BY THE AGENCY:

AGENCY FIVE (5)-DAY RESPONSE DUE:

***Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)*