BOROUGH OF BRIDGEVILLE

Policy for Access to Public Records

The purpose of this policy is to assure compliance with the Pennsylvania Right-to-Know Law, 65 P.S. § 66.1 et seq., as amended by Act 3 of 2008, to provide access to public records of Bridgeville Borough, to preserve the integrity of Borough records, and to minimize the financial impact to the residents of the Borough regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

It is the policy of Bridgeville Borough to require the presence of a designated employee when public records are examined and inspected and to change reasonable fees for duplication of public records of the Borough. Bridgeville Borough designates the Borough Manager as responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines:

1. The Borough Manager is hereby appointed as the Open Records Officer and he/she may designate certain employee(s) to process public record requests. (Requests for information regarding criminal or other police and law enforcement matters may be referred by the Borough Manager to the Chief of Police, who has also been designated as a Borough Open Records Officer as to such matters.)

2. The Open Records Officer is responsible for minimizing, where possible, the financial impact to the Borough regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

3. All requests for public records of the Borough under this policy shall be specific in identifying and describing each public record requested. In no case shall the Borough be required to create a public record in a manner in which the Borough does not currently compile, maintain, format or organize the public record. All requests for public records shall be submitted in writing and on a form provided by the Borough, as attached hereto entitled "Public Record Review/Duplication Request" form.

4. The designated employee shall make a good faith effort to determine whether each record requested is a public record.

5. The Borough shall facilitate a reasonable response to a request for Borough public records. In no case is the Borough expected to provide extraordinary staff to respond to the request, but will respond in a manner consistent with Borough administrative responsibilities and consistent with the requirements of the Pennsylvania Right-to-Know Law.

6. The designated employee shall respond to the requester within five (5) business days from the date of receipt of the written request. If the Borough does not respond within five (5) business day of receipt thereof, the request is deemed denied.

7. The response provided by the Borough shall consist of (1) approval for access to the public record; (2) review of the request by the designated employee; or (3) denial of access to the record requested.

8. If access to the public record requested is approved, the public record shall be available for access during the regular business hours of the Borough. The designated employee shall cooperate fully with the requester, while also taking reasonable measures to protect Borough public records from the possibility of theft and/or modification. The presence of a designated employee is required when public records are examined and inspected.

9. Fees for duplication of public records shall be as follows:

(a) Photocopying: as established by the Office of Open Records.

(b) Duplication of public electronic and/or tape records: actual cost to the Borough of duplicating the public record.

(c) Certified copies: as established by the Office of Open Records, or, in the absence of same, the reasonable cost thereof.

(d) Postage: actual cost to the Borough of mailing the public record.

(e) Complex and extensive data sets: as established by the Office of Open Records.

The Borough may in its discretion waive fees.

10. In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed $100.00, the designated employee(s) shall obtain fifty percent (50%) of the expected cost in advance of fulfilling the request to avoid unwarranted expense of Borough resources.

11. If the request is being reviewed, the notice provided by the Borough shall be in writing and include the reason for the review and the expected response date, which shall be within thirty (30) days of the notice of review. If the Borough does not respond within thirty (30) days thereof, the request is deemed denied. Review of the request is limited to situations where:

(a) The record requested contains information which is subject to access, as well as information which is not subject to access and must be redacted prior to a grant of access. The redacted information is considered a denial as to that information;

(b) The record requires retrieval from a remote location;

(c) A timely response cannot be accomplished due to bona fide and specific staffing limitations;
(d) A legal review is necessary to determine whether the record requested is a public record;
(e) The requester has failed to comply with the Borough's policy and procedure requirements; or
(f) The requester refuses to pay the applicable fees.
(g) The extent or nature of the request is such that it precludes a response within the required time.

If one of the foregoing reasons applies and the Borough will not provide the information within five (5) days, the Borough must send Notice of the Delay. The Notice must be sent within five (5) days of receipt of the request and must contain the following information:

(a) 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) An estimate of applicable fees.

12. If access to the record requested is denied, the notice provided by the Borough shall be in writing as indicated on the form attached hereto entitled "Denial of Request to Review and/or Duplicate Borough Records."

13. If the request is denied or deemed denied, the requester may file exceptions or an appeal with the Borough within fifteen (15) business days of the mailing date of the Borough's notice of denial, or within fifteen (15) days of a deemed denial. The exceptions or appeal must:

(a) Indicate the date of the original request;
(b) Identify and describe the record (s) requested;
(c) State the grounds upon which the requester asserts the record (s) is a public record; and
(d) Address any grounds stated by the Borough in its notice of denial.

14. The Borough shall review the exceptions and may conduct a hearing to assist in making a final determination. A final determination will be made within thirty (30) days of the mailing date of the exceptions, unless extended by the parties. If the denial is upheld, the decision shall contain a written explanation of the reason for denial and an explanation of the process for further appeal.

15. The Borough cannot and shall not be required to produce a record that does not exist nor shall it be required to compile, maintain, format or organize a record in a manner in which the Borough does not currently compile, maintain, format or organize the record.

16. The Borough shall not be required to permit access to Borough computers or the computer of any employee or official of the Borough.

17. The Borough shall provide a record in the medium requested if it exists in that medium; otherwise, it shall be provided in the medium in which it exists.

18. If the Borough determines that a public record contains information that is subject to access as well as information that is not subject to access, the Borough must grant access to the information that is subject to disclosure and deny access to the remaining information.

19. If a record is available through publicly accessible electronic means, the Borough's response to a record request may consist of notification to the requester that the record is available through such means.

20. Access to public records shall only be required during regular business hours of the Borough.

21. This policy shall be posted conspicuously at the Borough Municipal Building and on the Borough's website.

22. This policy shall take effect as of January 1, 2009.