

**BRADFORD TOWNSHIP
McKEAN COUNTY, PENNSYLVANIA**

RESOLUTION No. 2015-09

BE IT RESOLVED by the Supervisors of Bradford Township as follows:

WHEREAS, Bradford Township (the "Township") is a Township of the second class and, as such, is subject to the requirements of the Pennsylvania Right to Know Law, Act 3 of 2008, 65 P.S. §67.101, et seq., as amended (the "Law"); and

WHEREAS, the Township recognizes the importance of public records as the record of the Township's actions and the repository of information about the Township and recognizes the public's right to access and procure copies of public records, with certain exceptions, subject to the Law; and

WHEREAS, the Township desires to set forth the basic policy and procedures under which it will operate, relative to the requirements of the Right to Know Law.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by Bradford Township that the following provisions set forth the Township's policy, relative to the requirements of the Right to Know Law:

1. Definitions

Financial record - any account, voucher or contract dealing with the receipt or disbursement of funds or acquisition, use or disposal of services, supplies, materials, equipment or property; or the salary or other payments or expenses paid to an officer or employee, including the individual's name and title; and a financial audit report, excluding the audit's underlying work papers.

Public record - a record, including a financial record, that is not protected by a defined privilege or is not exempt from being disclosed under one of the exemptions in Pennsylvania's Right-to-Know Law or under other federal or state law or regulation, or judicial decree or order.

Record - information, regardless of physical form or characteristics, that documents a Township transaction or activity and is created, received or retained pursuant to law or in connection with a Township transaction, business or activity, including: 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.

Response - the Township's notice informing a requester of a granting of access to a record or the Township's written notice to a requester granting, denying, or partially granting and partially denying access to a requested record.

Requester - a legal resident of the United States, or an agency, who requests access to a record.

2. Legal Obligation.

The Township shall make the Township's public records available for access and duplication to a requester, in accordance with law.

3. Delegation of Responsibility.

A. The Township hereby designates the Township's Secretary as its Open Records Officer, who shall be responsible to:

1. Receive, review, and respond to written requests for access to records submitted to the Township.
2. As necessary, direct requests to other appropriate individuals in the Township or in another agency.
3. Track the Township's progress in responding to requests.
4. Issue interim and final responses to submitted requests.

B. Upon receiving a request for access to a record, the Open Records Officer shall:

1. Note the date of receipt on the written request.
2. Compute and note on the written request the day on which the five-day period for response will expire.
3. Maintain an electronic or paper copy of the written request, including all documents submitted with the request, until the request has been fulfilled.
4. If the written request is denied, maintain the written request for thirty (30) days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied.

4. Guidelines.

- A. Requesters may access and procure copies of the public records of the Township during the regular business hours of the Township's offices.
- B. A requester's right of access does not include the right to remove a record from the control or supervision of the Open Records Officer.
- C. The Township shall not limit the number of records requested.
- D. When responding to a request for access, the Township is not required to create a record that does not exist nor to compile, maintain, format or organize a record in a manner which the Township does not currently use.
- E. Information shall be made available to individuals with disabilities in an appropriate format, upon request, and with sufficient advance notice.
- F. The Township shall post at its office and on the Township's website, if the Township maintains a website, the following information:
 - 1. Contact information for the Open Records Officer.
 - 2. Contact information for the state's Office of Open Records or other applicable appeals officer.
 - 3. The form to be used to file a request, with a notation that the state Office of Open Records form may also be used if the Township decides to create its own form.
 - 4. The Township's policies, regulations, procedures, and resolutions governing requests for access to the Township's public records.
 - 5. The Township's fee schedule relative to requests for public records.

The Open Records Officer is hereby authorized to periodically update the information provided on the Township's website so that it remains current.

5. Request For Access.

- A. A written request for access to a public record shall be submitted on the required form(s) and addressed to the Open Records Officer. In order for a citizen to be afforded the protections under the Right to Know Law, a request must be in writing and addressed to the Open Records Officer.

B. Written requests may be submitted to the Township in person, by mail, to a designated facsimile machine, and to a designated e-mail address.

C. Each request must include the following information:

1. Identification or description of the requested record, in sufficient detail.
2. Medium in which the record is requested.
3. Name and address of the individual to receive the Township's response.

D. The Township shall not require an explanation of the reason for the request or the intended use of the requested record, unless otherwise required by law.

6. Fees.

A. The Township shall implement a reasonable fee schedule relative to requests for public records and make it available to all requesters by posting it on the Township's website.

B. No fee may be imposed for redaction, the Township's review of a record to determine whether the record is a public record, searching for or retrieval of documents, or the staff time or salary for complying with a request.

C. Prior to granting a request, the Township may require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed \$100.00. Additionally, the Township may require that all fees (regardless of whether they exceed \$100) be paid by the requestor after the request is granted and before the records are released to the requestor.

7. Response To Request.

A. All Township Supervisors and employees shall be directed to immediately forward to the Open Records Officer any requests for access to public records that are addressed to the Open Records Officer.

B. Upon receipt of a written request for access to a record, the Open Records Officer shall determine if the requested record is a public record and if the Township has possession, custody, or control of that record.

C. The Open Records Officer shall respond as promptly as possible under the existing circumstances, and the initial response time shall not exceed five (5) business days from the date the written request is received by the Open Records Officer.

D. The initial response shall grant access to the requested record; deny access to the requested record; partially grant and partially deny access to the requested record; notify the requester of the need for an extension of time; or request more detail from the requester to clearly identify the requested material.

E. If the Township fails to respond to a request within five (5) business days of receipt, the request for access shall be deemed denied.

8. Extension Of Time.

A. If the Open Records Officer determines that an extension of time is required to respond to a request, written notice shall be sent within five (5) business days of receipt of a request. The notice shall indicate that the request for access is being reviewed, the reason that the review requires an extension, a reasonable date when the response is expected, and an estimate of applicable fees owed when the record becomes available. The Open Records Officer may take an extension of time, for up to an additional 30 days, for any of the following reasons:

1. The request for access requires redaction of a record or records.
2. The request for access requires the retrieval of a record stored in a remote location.
3. A timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations.
4. A legal review is necessary to determine whether the record is a record subject to access.
5. The requester has not complied with the Township's policies regarding access to records.
6. The requester refuses to pay applicable and authorized fees.
7. The extent or nature of the request precludes a response within the initial 5-day time period.

B. Up to a thirty (30) day extension for one of the above listed reasons does not require the consent of the requester. If the response is not given by the date specified in the notice, it shall be deemed denied on the day following that date.

C. A requester may consent in writing to an extension that exceeds thirty (30)

days, in which case the request shall be deemed denied on the day following the extension date to which the requestor consented.

9. Granting Of Request.

A. If the Open Records Officer determines that the request will be granted, the Open Records Officer shall inform the requester that access is granted and either include information on the regular business hours of the Township's office, provide electronic access, or state where the requester may go to inspect the records or information electronically at a publically accessible site.

B. A public record shall be provided to the requester in the medium requested if it exists in that form; otherwise, it shall be provided in its existing medium. The Township is not required, however, to permit the requester to use its computers.

C. The Open Records Officer may respond to a records request by notifying the requester that the record is available through publicly accessible electronic means or that the Township shall provide access to inspect the record electronically. If the requester, within thirty (30) days following receipt of the Township's notice, submits a written request to have the record converted to paper, the Township shall provide access in printed form within five (5) days of receipt of the request for conversion to paper.

D. A public record that the Township does not possess but is possessed by a third party with whom the Township has contracted to perform a governmental function and which directly relates to that governmental function shall be considered a public record of the Township.

E. If the Open Records Officer determines that a public record contains information both subject to and not subject to access, the Open Records Officer shall grant access to the information subject to access and deny access to the information not subject to access. The Open Records Officer shall redact from the record the information that is not subject to access. The Open Records Officer shall not deny access to a record if information is able to be redacted.

F. If the Open Records Officer's response to a requester is that a copy of the requested record is available to be retrieved by the requestor at the Township's office and the requester does not retrieve the record within sixty (60) days of the Township's response, the Township may dispose of the copy and retain any fees paid to date.

10. Notification To Third Parties.

A. When the Township produces a record that is not a public record in response to a request, the Open Records Officer shall notify any third party who provided the

record to the Township, the person that is the subject of the record, and the requester that the public record has been produced.

B. The Open Records Officer shall notify a third party of a record request if the requested record contains a trade secret or confidential proprietary information, in accordance with law and administrative regulations.

11. Denial Of Request.

A. If the Open Records Officer denies a request for access to a record, whether in whole or in part, a written response shall be sent and shall include the following:

1. A description of the record requested.
2. The specific reasons for denial, including a citation of supporting legal authority.
3. The name, title, business address, business telephone number, and signature of the Open Records Officer on whose authority the denial is issued.
4. The date of the response/denial.
5. The procedure for the requester to appeal a denial of access.

B. The Open Records Officer may deny a request for 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 Township.

C. The Open Records Officer may deny a request for access to a record when timely access is not possible due to disaster, or when access may cause physical damage or irreparable harm to the record. To the extent possible, a record's contents shall be made accessible even when the record is physically unavailable.

D. Information that is not subject to access and is redacted from a public record shall be deemed a denial.

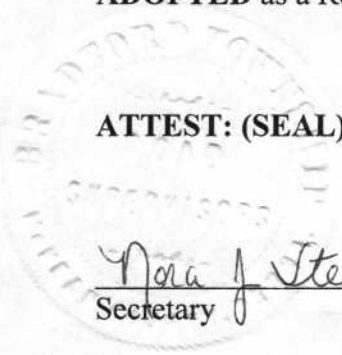
E. If a written request for access to a record is denied or deemed denied, the requestor may file an appeal with the Commonwealth's Office of Open Records within fifteen (15) business days of the mailing date of the Open Records Officer's response or deemed denial.

12. REPEALER.

Resolution No. 2008-24 is hereby repealed in its entirety and all other Township Resolutions, Policies, or Procedures, or parts of thereof, which are not in accord with this Resolution are hereby repealed insofar as they affect this Resolution.

ADOPTED as a Resolution for Bradford Township this 9th day of March, 2015.

ATTEST: (SEAL)



Nora J Stewart
Secretary

**BRADFORD TOWNSHIP
SUPERVISORS**

Str J. Macchio

Gayle E Bauer

J B G

Bradford Township Right to Know Fee Schedule

Copies: (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)	\$0.25 per page
Certification of a Record:	\$5.00 per record
Specialized documents: (For example, but not limited to, blue prints, color copies, non-standard sized documents)	Actual cost incurred
Facsimile/Audio/Video/Other Media:	Actual cost incurred
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.
Postage Fees:	Actual cost of mailing
Police Department Vehicle Accident Report:	\$15 per report
Any Other Fee Necessarily Incurred to Comply with a Request:	Reasonable cost actually incurred

* There shall be no fee for redaction, the Township's review of a record to determine whether the record is a public record, searching for or retrieval of documents, or the staff time or salary for complying with a request.

* Prior to granting a request, the Township requires prepayment of estimated fees when the fees required to fulfill the request are expected to exceed \$100.00. Additionally, the Township requires that all fees (regardless of whether they exceed \$100) be paid by the requestor after the request is granted and before the records are released, or otherwise made available, to the requestor.



Open Record Officer

Nora J. Stewart
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E-mail: bradfordtwp@atlanticbbn.net.

Office of Open Records

Office of Open Records
Commonwealth Keystone Building
400 North St., 4th Floor
Harrisburg, PA 17120-0225

How to File an Appeal

To file an appeal under the Right-to-Know law, a citizen must provide the following:

- A copy of the Right to Know request
- A copy of the Township's response (or a written statement that the request was deemed denied meaning the Township did not respond at all).
- State the grounds they assert this is a public record
- Address any grounds for denial stated by the Township

All appeals must be made in writing and may be submitted using the Appeals Forms found on the Office of Open Records website. The appeal must be submitted to the Office of Open Records. Appeals should be sent to the Office of Open Records, Commonwealth Keystone Building, 400 North St., 4th Floor, Harrisburg, PA 17120-0225. They may also be submitted via facsimile to 717-425-5343 or via email to openrecords@pa.gov as a Microsoft Word or PDF attachment.

The requestor must provide **all of the information necessary to file an appeal within 15 business days from the date that the Township mailed the denial letter or the date that the request was "deemed denied" or the appeal will be untimely under the law, unable to be processed, and subject to dismissal.** When the Township does not respond in writing within five business days of the requestor's written Right to Know request (or within the timeframe of any permissible extension), the request is "deemed denied." If the Township did not respond, this should be indicted to the Office of Open Records.

* Requestors are encouraged to contact the Office of Open Records in the event that a requestor has any questions relative to the appeal process.

