



SUSQUEHANNA TOWNSHIP
1900 LINGLESTOWN ROAD
HARRISBURG, PENNSYLVANIA 17110
(717) 545-4751 • www.susquehannatwp.com

RIGHT-TO-KNOW POLICY

I. Introduction

Susquehanna Township, (“Township”), is a first class Township in the Commonwealth of Pennsylvania, governed under the First Class Township Code, 53 P.S. Section 55101 et seq., as amended. The Township is a local agency for purposes of the Pennsylvania Right-to-Know Law.

All local agencies shall provide public records in accordance with the Right-to-Know Law. 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 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;
- (c) The record is exempt from disclosure under any other federal or state law or regulation, or judicial order or decree; or
- (d) The record is exempt or protected for any other statutory reason or based on judicial ruling.

Records are broadly defined under the Right-to-Know Law. Records include a document maintained by an agency in any form.

Requests for public records can be made by any person or who is a legal resident of the United States, including a resident alien. Requests to the Township can also be made by other local agencies, or Commonwealth agencies, or judicial agencies, or legislative agencies.

II. Access and Procedure

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, the request for access to records must be in writing.

The Township has designated Gary Myers, Township Manager to act as the Open-Records Officer (“Officer”) in matters concerning all non-police department requests. Chief Robert Martin has been designated Open Records Officer (“Officer”) for all requests concerning the Susquehanna Township Police Department. The Officers’ contact information is set forth below:

Gary Myers
1900 Linglestown Rd.
Harrisburg, PA 17110
(717) 909-9223
gmyers@susquehannatwp.com

Chief Robert Martin
1900 Linglestown Rd.
Harrisburg, PA. 17110
(717) 909-9282
rmartin@susquehannatwp.com

Questions regarding this policy may be directed to the Officer at the telephone or email address listed above.

All written requests must be addressed to the Officer, and all such requests must be submitted in person or by mail. The Township will not accept facsimile or electronic mail **requests**. In the event that written requests for records are addressed to Township employees or officials other than the Officer, the recipient if such requests is hereby directed to promptly forward such requests to the Officer.

Written requests should identify or describe the record sought with sufficient specificity to enable the Township and the officer 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 posted on the Township’s internet website at www.SusquehannaTwp.com. 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.

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 fees authorized by law if the fees required to fulfill the request are expected to exceed \$100.00. Fees must be reasonable and based on prevailing fees for comparable duplication services provided by local business entities. Except as otherwise provided by statute, no other fees may be imposed unless the Township necessarily incurs costs for complying with the request, and, in any event, such fees must be reasonable.

In all circumstances, the requester must agree to pay applicable fees authorized by the Right-to-Know Law, such as (but not limited to) postage (not to exceed actual cost of mailing), duplication and certification. All applicable fees shall be paid before a requester receives access to the record(s) requested.

A record shall be provided in the medium requested if it exists in that medium; otherwise, it shall be provided in the medium in which it exists. The Township is not be required to create a record which does not currently exist or to otherwise compile, maintain, format or organize a record in a manner in which it does not currently compile, maintain, format or organize the record. The Township may impose reasonable fees for official certification of copies if the certification is at the behest of the requester and for the purpose of legally verifying the public record.

Upon receipt of a written request for a public record, the Officer shall do the following:

- (a) Note the date of the receipt of the request on the written request;
- (b) Compute the day on which the five-day period for response will expire, and make a notation of that date on the written request; and

- (c) Create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.

III. 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 exists and is a public record and whether the Township has possession, custody or control of the record. 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. For purposes of this policy, a business day is any weekday, except those days when the Township's office is closed due to a holiday, namely: New Year's Day, Martin Luther King Day, Presidents Day, Memorial Day, July 4th, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day.

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

- (a) The request for 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 cannot be accomplished due to a bonified and specified staffing limitation;
- (d) 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 and this policy; or
- (g) The extent or nature of the request precludes a response within the required five (5) business day time period.

Upon a determination that one of the circumstances listed above applies, the Officer shall send written notice to the requester within five (5) business days of receipt of the request including a statement notifying the requester that the request 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 response, the request for access shall be deemed denied unless the requester agrees 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 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.

IV. 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 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 Office of Open Records has established a internet website with information relating to the Right-to-Know Law, including information on fees, advisory opinions and decisions, and the name and address of all open-records officers in the Commonwealth of Pennsylvania. For information on the Office of Open Records, please go to openrecords.state.pa.us.

V. Retention of Records/Construction

By adoption of Resolution **No. 08-R-15**, the Township publicly declared its intention to follow the Municipal Records Act, 53 Pa. C.S.A. § 1381 et seq., with respect to the retention and disposition of public records. Nothing in the Right-to-Know Law or this policy shall be construed to modify, rescind or supercede the records retention and disposition policy.

Nothing in the Right-to-Know Law or this policy shall be construed to require access to any computer, or that of any employee of the Township or official of the Township. This policy shall not be construed to provide any access or rights beyond those contained in the Right-to-Know Law.



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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 file 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.)*