

# TOWNSHIP OF WEST DONEGAL

## PUBLIC RECORDS INSPECTION AND DUPLICATION POLICY

In accordance with the Pennsylvania Right-to-Know Law, Act of February 14, 2008, P.L. \_\_\_\_\_, No. 3, hereinafter referred to as the "Law", the following is the policy for requests for inspection and duplication of public records of the Township of West Donegal.

### **I. SUBMISSION OF REQUEST.**

All request to inspect or duplicate public records of the Township shall be presented to:

Open Records Officer  
West Donegal Township  
One Municipal Drive  
Elizabethtown, PA 17022

Requests may be made in person at the Township office at One Municipal Drive, Elizabethtown, Pennsylvania, during normal business hours (Monday through Fridays from 7:30 a.m. until 4:00 p.m.); by mail to One Municipal Drive, Elizabethtown, PA 17022; or by fax to (717) 367-7178; or by email to [jjyoder@wdtwp.com](mailto:jjyoder@wdtwp.com).

Request may be made in writing. The township has prepared a form to assist in processing requests.

All requests for inspection and/or duplication of public records must provide sufficient and specific information to allow the Township staff to identify the requested records. The following information is the minimum necessary to enable the Township staff to identify the public records sought:

1. Type of record, e.g. ordinance, resolution, meeting minute, permit, Zoning Hearing Board Decision, etc.
2. Approximate date of record, e.g. minutes of the Board of Supervisors meeting of January, 2001. The approximate date of the record must be within three to six months of the actual date of the record. The Township cannot respond to requests which state that the record was created within a multi-year period.
3. If applicable, subject matter of record, e.g. sewage system ordinance, Zoning Hearing Board decision concerning a specifically identified property, building permit for specific property, etc.
4. If the requestor desires a written response or mailing of information, name and address to which the Township should address a response to the request.

5. Whether the requester desires to inspect or whether the requestor desires a copy of the document. If the requestor desires a copy of the document, specify the preferred media or format.

**The Township is not required to and will not compile lists, prepare summaries, or create documents that do not exist. The Township will provide access to and duplication of existing Township records which are public records under the Right-to-Know Law.**

**The Township recognizes its obligation to make public records available to any legal resident of the United States. The Township acknowledges that it may not deny a request for access to a public record on the basis of the intended use of the public record, and the Township will not require any person to disclose his or her purpose or motive in requesting access to a public record.**

## **II. CONSIDERATION OF REQUEST FOR INSPECTION OF PUBLIC RECORDS.**

The Township shall make a good faith effort to respond to any request for inspection and/or duplication of public records as promptly as possible. Unless circumstances prevent, the Township will respond to a written request for a public record within five (5) business days from the date it is received. Any request for a public record submitted within one hour of the close of business shall be considered received on the following business day.

If the requester has provide his/her name and address, the Township shall send written notice to the requester within five (5) business days from the receipt of the request if the Township determines that any of the following are applicable to the request:

1. The request requires a redaction of the record. Records will be redacted if they contain information which is not subject to public access as well as information which constitutes a public record.
2. The request requires retrieval of records stored outside of the Township municipal building.
3. The Township cannot respond due to a specific staffing issue. For example, the Township staff is limited, and if the Township Secretary is on vacation it may not be possible to respond within five (5) business days.
4. The Township believes that it is necessary to consult with the Township Solicitor to determine whether the requested record is a public record under the Right-to-Know Law.
5. The requester has not complied with Township policies concerning access to public records.
6. The requester has refused to pay any applicable fee.

7. The extent of nature of the request precludes a response within the required time period.

If the Township cannot respond within five (5) business days to a request, the Township will provide the reason why response is delayed, estimated date by which it anticipates it may make its response, and an estimate of any fees.

If the requester desires to remain anonymous, the Township shall provide such information when the requester returns to the Township office.

### **III. FEES.**

Any person who requests the duplication of public records shall pay for the duplication in accordance with the Township's adopted fee schedule or with the fees established by the Office of Open Records. If the Township estimates that the cost to fulfill the request will exceed \$100.00, the Township will require prepayment of the fee prior to granting a request for access.

### **IV. RESPONSE TO REQUEST FOR A PUBLIC RECORD.**

The Right-to-Know Law does not require the Township to compile lists, prepare summaries, or create documents that do not exist. The Township will provide access to and duplication of only existing Township records which are public records under the Right-to-Know Law.

If the Township determines that the record requested is a public record, the Township will allow its inspection or will notify the requester that the record is available electronically through publicly accessible means, providing the internet address at which such record is available, or will provide a copy of the record in the format requested if the Township has the capability to produce such a format. If the Township does not have the capability to duplicate the public record in the format requested, the Township will provide a paper copy of the record. If the requester is unwilling or unable to access the record electronically, the requester may, within 30 days, submit a written request for a paper copy of such record.

If the Township informs the requester that copies of the requested records are available at the Township office and the requester fails to retrieve the records within sixty (60) days of the Township's response, the Township may dispose of the copies and retain all fees.

If the Township denies a written request to inspect and/or duplicate records in whole or in part, the Township shall provide a written denial. This written denial will identify the record and the specific reason for the denial of the request, including a citation to supporting authority. The written response shall also include the name, title, business address, business telephone number and signature of the Open-Records Officer who has denied the request, the date of the denial, and the procedure to appeal the denial.

**V. APPEAL FROM DENIAL OF REQUEST FOR INSPECITON OR COPYING OF RECORDS.**

The Law provides that a requester who disagrees with a denial of his or her written request for inspection and/or duplication of records may file an appeal to

Commonwealth of Pennsylvania  
Office of Open Records  
333 Market Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17101-2234  
Phone: 717-346-9903  
Fax: 717-425-5343  
Email: [openrecords@pa.gov](mailto:openrecords@pa.gov)

Pursuant to Section 1101(a) of the Law, the appeal just be in writing; must be filed within fifteen (15) business days of the date of the Township's response or date of a deemed denial; must state the grounds on which the requester asserts that the record is a public record; and must address any grounds stated by the Township in denying the request.