

TOWNSHIP OF DONEGAL

RESOLUTION No. 2023- 5

A RESOLUTION OF THE COUNCIL OF DONEGAL TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA, ADOPTING THE RIGHT-TO-KNOW RECORDS REVIEW POLICY IN COMPLIANCE WITH THE RIGHT-TO-KNOW LAW

WHEREAS the Township of Donegal ("Township") has not adopted a records review policy;

WHEREAS the Commonwealth of Pennsylvania amended the existing Right to Know Law creating new guidelines for municipal and state entities that took effect January 1, 2009;

WHEREAS the Commonwealth Act has set guidelines on the definition of public records, formal requests for public information, access procedures, response to requests and an appeal process;

WHEREAS the Township wishes to adopt a formal records review policy; and

WHEREAS the Township wishes to fully comply with Act 3 of 2008, the Right to Know Law and has compiled regulations, procedures, and a formal Scheduling Form in the policy attached as Exhibit A.

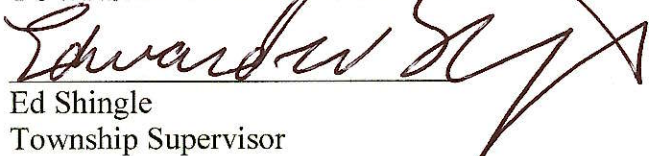
NOW, THEREFORE, BE IT RESOLVED, that the Township approves and adopts the Record Review Policy as shown in the attached Exhibit A.

RESOLVED AND ADOPTED by the Township at a meeting duly assembled this 28th day of December 2023

ATTEST:


Jim Bauer
Chairman of the Board

TOWNSHIP OF DONEGAL


Ed Shingle
Township Supervisor


Randy Polan
Township Supervisor

Donegal Township Records Review Policy
In Compliance with Act 3 of 2008
65 P.S. §§ 67.101 *et seq.*

As a local agency of the Commonwealth of Pennsylvania, Donegal Township will make its records available to the public as conveniently and efficiently as possible. A public record is defined as a record including financial records of the Commonwealth or local agency that is not exempt under Section 708, is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree or is not protected by a privilege. 65 P.S. §67.102.

Section 1. Access.

(a) Unless otherwise specified by law, a public record, legislative record or financial record shall be accessible for inspection and duplication in accordance with the Right-to-Know Act (“the Act”).

(b) Nothing in the Act or this policy shall be construed to require access to any computer, either of the agency or individual employee of an agency.

Section 2. Requests for Records.

(a) Inspection – Public records will be made available for inspection, by previously scheduled appointment, at the Township Municipal Building, located at 34 N. Liberty St. West Alexander, PA 15376 during normal business hours, Tuesday from 8:30 a.m. to 3:30 p.m., Thursday from 8:30 a.m. to 12:30 p.m., and Friday from 8:30 a.m. to 3:30 p.m., except holidays. Requestors should contact the Township Office to arrange a time to review records for which requests have been granted, and the scheduling of such appointments shall be at the discretion of the Township. The following process is set in place to ensure the integrity of the Township’s systems, safety of the public, and privacy of the requestor performing the in-person inspection:

(i) The Township will provide a secure, private space in the Municipal Building to inspect and duplicate the responsive records;

(ii) A township employee will monitor the inspection if available;

(iii) the Township will provide page-by-page access to ensure compliance with all applicable laws; and

(iv) The Township reserves the right to record all such inspections.

(b) Electronic Copies – upon written request using the proscribed request form, the agency will adhere to the Act in its review and processing of the request.

(c) Video Footage Review – upon the request from any person, agency, company or any other entity, the Township will notify the contractor of the Township’s choice to download and preserve the requested footage at the requestor's expense. The requestor will be given an estimate of the expense for the retrieval and preservation of the video (the “Expenses”) that is being requested. The requestor is required to pay all of the Expenses in situations when the estimated cost is projected to exceed \$100.00 before the contractor is authorized to download the requested footage. The Township will release the requested footage after redactions and upon receipt of all Expenses associated with the downloading and preservation of the requested video footage.

(d) the requestor is required to submit a written request to the agency to have the record converted to paper and may incur reasonable costs associated with the duplication.

Section 3. Response to Requests. Upon receipt of a valid request for records, the open records officer (“ORO”) will work with the township to communicate the request and provide a response to the requestor. The Township may respond to a request through publicly accessible electronic means, or the agency will provide access to inspect records. The Township is not required to create a record that does not exist in the format requested at the time of the request. Within five (5) business days of the request receipt, the ORO will send a written response to the requestor to seek more information, grant the request, document an extension of time, or deny the request. If no response is received by the requestor from the ORO, the request will be deemed denied.

(a) Record Request Denials / Appeals. If a record is denied, a written explanation will include:

- a description of the record requested
- reasons for denial

- contact information for the ORO
- date of response, and
- procedure to appeal

(b) Appeal Process – the requestor may file an appeal within fifteen (15) business days of the date of the written letter of denial by submitting the original request, any extension notices, and denial letters to the Office of Open Records 333 Market St., 16th Floor, Harrisburg, PA 17101-2234. Appeals can also be filed online at the Office of Open Records website, <https://www.openrecords.pa.gov>. If the appeal is for criminal records that have been denied, the requestor must contact the Washington County District Attorney.

Section 4. Fee Schedule. Written requests for records shall be submitted on the Township's Standard request form and the following duplication costs apply to any duplicated responsive record:

- Photocopied Pages: \$.25 per page
- Certified copies \$1.00 per record plus notarization costs if requested
- Notarization of records \$10.00
- Postage: Exact postage to mail documents / materials will be assessed
- CD's \$1.00
- DVD of meetings \$10.00
- Thumb Drive of meetings \$10.00 plus the cost of the drive (excludes video footage)
- File extraction: if the Township must extract files from outside storage locations or enlist the assistance of a third-party vendor to access the system, extra fees for this service will be assessed.¹

Section 5. Posting. This policy shall be posted at the Municipal Building and will be made available on the Township's website and will provide:

- a) Contact information for the ORO
- b) Contact information for the Office of Open Records
- c) A standard form to be used for all public record requests

Section 6. Exceptions from Public Records. All exceptions can be found in section 708 of the Act.

¹ *If copies are made and the requestor fails to pick them up after 60 days, the Township is permitted to discard all copies. **If a separate statute authorizes an agency to charge a set amount for a certain type of record, the agency may charge up to that amount.

Section 7. Effective Date. The effective date of this Policy shall be the 28th day of December, 2022.23

ORDAINED AND ENACTED as policy this 28th day of December, 2023

ATTEST:

TOWNSHIP OF DONEGAL

Jan M Schell
Secretary

By: Jim Bauer
Chairman

(SEAL)

Randy Polan
Member

Edward W. Styr
Member

APPROVED AS TO FORM:

Solicitor