

HALLAM BOROUGH OPEN RECORDS POLICY

The purpose of this policy is to provide guidelines that conform to the requirements of Act 3 of 2008 commonly known as the "Open Records Law" which fundamentally changes the "Right to Know Law".

I. GENERAL -

A) All documents deemed public records shall be available for inspection, duplication and retrieval at the Hallam Borough Administrative Building, 250 West Beaver Street, Hallam, Pennsylvania, during established business hours, excluding weekends and recognized holidays.

B) The Borough's Open Records Officer, as designated by the Borough and pursuant to the Act, will be responsible for receiving, tracing and responding to Open Records requests. In the absence of unavailability of the Open Records Officer, another employee of the Borough may act as the Deputy Open Records Officer.

II. REQUESTS -

A) All Open Records Requests for the Borough are to be addressed to the Open Records Officer, and may be submitted in person, by mail , by facsimile or email. Written requests shall be addressed to Hallam Borough Records Officer, 250 West Beaver Street, Hallam, Pennsylvania 17406. The applicable facsimile number for requests is (717) 751-0371. The email address for requests is secretary@hallamborough.com.

B) Hallam Borough will not respond to oral or anonymous requests.

C) Each written request shall include the name of the Requester and the address to which the Borough should address its response. The request should also identify or describe the records sought with sufficient specificity to enable the Borough to ascertain which records are being requested.

1 - The request may be submitted using the Open Records Request Form provided by the Borough and may be obtained at the Borough Office or on the Borough website (www.hallamborough.com).

2 - The Requester must be a citizen of the United States. In determining whether the Requester meets these requirements, the applicable Open Records Officer may, in its discretion, require that the Requester produce photographic identification such as a driver's license, showing an address.

D) Upon receiving a written Open Records Request, the applicable Open Records Officer, in conjunction with the Borough Solicitor, will:

- 1 - Date-stamp the request.
- 2 - Assign a tracking number to the request.
- 3 - Compute and make a notation of the date by which a response must be provided.

a) Hallam Borough will make a good faith effort to determine if the requested record is a public record and respond as promptly as possible under the circumstances existing at the time of the request and that this time shall not exceed five (5) business days from the date the written request is received by the applicable Open Records Officer.

b) The first day of the five (5) business day period will be the Borough's next business day after receipt of the request.

c) If the Open Records Officer fails to respond within the five (5) business day period with either an interim or final response, the Open Records Request is deemed denied.

4 - Make a duplication of the request including all documents submitted and the envelope (if any) in which it came.

5 - Create an official file for the retention of the original request.

6 - Record the request in a system used by the Borough for tracing Open Records Requests.

III. RESPONSE –

A) Physical access provided to a Requester of a document or a copy of a requested document will be considered a "response" to an Open Records Request. The Open Records Officer will provide authorization for such access.

1 - Public records of the Borough will be accessible for inspection by a Requester during the regular business hours of the Township excluding weekends and recognized holidays.

2 - The Borough is not required and will not create a public record that does not already exist, nor is the Borough required to compile, maintain, format, or organize a public record in a manner in which the Borough does not currently do so.

3 - In compliance with the Open Record Law's redaction requirements, the Borough is not required to alter their original records.

4 - In order to prevent the Requester from having access to information to which they are not entitled, the Borough will redact or eradicate a portion of a document while retaining the remainder for review.

5 - The Borough does not make duplication equipment available to a Requester but does provide for Borough staff to make copies or may contract for duplication services and require that the Requester pay the contract for those services. In both instances, the Borough may charge a reasonable fee that is consistent with prevailing charges for duplication.

6 - Failure by the Requester to retrieve requested documents within sixty (60) days of first notification will result in the disposal of said documents and the retention of any fees paid.

B) Where timely access is not provided as listed in A.1 above or otherwise requested, the Borough is required to provide a response in writing. The Open Records Officer has the duty to prepare and send written responses and may consult, as necessary, with the Solicitor and other Borough Officials, Borough employees, and Third-Party consultants having a concern or interest in the records.

C) The applicable Open Records Officer shall send written response to Requesters by U.S. mail and, at its discretion, may also use the following means: facsimile transmission, email, overnight or parcel delivery service or courier delivery.

D) The Act provides circumstances in which the Borough can obtain an extension of time in which to provide a final response to a request. The Township must provide the Requester with written notice that additional time will be required. This notice is referred to as an "interim response".

E) Final responses that deny requests in whole or in part will list all of the specific reasons relied on by the Borough for denying the request and will include one or more citations of support authority. The response shall also contain a notice informing of the name and mailing address of the Open Records Appeal Office.

F) Inaction by the Borough is not a response even when it results in deemed denial.

IV. APPEALS –

A) If a written request for access to records is denied in whole or in part 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 Borough's Open Records Officer's response or within fifteen (15) days of a deemed denial.

B) The appeal should state the grounds upon which the Requester asserts that the record is a public record, legislative record or financial record and shall address any grounds stated by the Borough's Open Records Officer for delaying or denying the request.

C) The Office of Open Records will appoint appeals officers, and adopt appeal procedures. Requester should contact the Office of Open Records, Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, Plaza Level, Harrisburg, PA 17120-0225.

D) Where the Office of Open Records' final determination upholds the refusal of access to a document, the Requester may, within thirty (30) calendar days of the mailing date of that final determination, file a Petition for Review in Common Pleas Court.

E) Either party may file a Petition of Review of the written decision of the Appeals Officer within thirty (30) days of the mailing date of the written decision with the York County Court of Common Pleas.

V. FEES –

A) The Borough will not charge for redaction services.

B) A duplicating fee for photocopying, printing from electronic media or microfilm will be imposed at 25 cents per page, per side.

C) A duplicating fee for copying onto electronic media will be imposed at \$3.00 per compact disk. A new disk will be used each time records are provided.

D) Facsimile transmission fees will be imposed at 50 cents per page faxed.

E) For other means of duplication and other costs incurred, reasonable fees based on prevailing fees for comparable duplication by local business entities or actual costs will be imposed.

F) The Borough may, in its discretion, insist that payment for duplication be made by certified check. If the fee is for copying only, the Borough shall provide access to the records but shall refuse to make any copies until the fee is paid. If the fee is for service that is necessary in order for access to be provided, the Borough shall deny access to the records until the fee is paid.

G) The Borough shall not be prohibited from exercising its discretion to waive collection of fees for documents to non-profit organizations and governmental agencies and authorities.

H) The Borough may require a requester to prepay an estimate of the fees if the fees required to fulfill the request are expected to exceed \$100.00.

I) The fee schedule for GIS documents, tax records, assessment records and other records involving large datasets, as well as historical documents maintained by archives, may be different from that set forth in this policy.

VI. RETENTION AND DISPOSAL OF PUBLIC RECORDS -

A) The Open Records Law does not modify, rescind or supersede any statutes, regulations and other laws that regulate the Borough's retention and disposal of records policy.

VII. POSTING RECORD REQUESTS -

A) The Borough reserves the right to post and/or release records requests and responses thereto. Individuals and entities submitting records requests should have no expectation of privacy concerning requests.

ADOPTED this 12th day of JANUARY , 2009.

ATTEST:

HALLAM BOROUGH COUNCIL

Deborah L. Dugler
Secretary/Treasurer

L. Edward Wible
President