

**RESOLUTION**

**2003-01**

RESOLUTION by the Board of Supervisors of the Township of Conewago, Dauphin County, Pennsylvania establishing a policy for access to public records of the Township;

WHEREAS: Act 100 of 2002 rewrites the state's Open Records Law to further provide for access to public records, which Act shall take effect December 26, 2002.

WHEREAS: A public record is a minute, order, or decision affecting the personal or property rights, duties, or obligations of any group and any account, voucher, or contract documenting the receipt or disbursement of money, or purchase of services or supplies.

WHEREAS: Electronic documents are now included under this definition, as opposed to only paper documents under prior law.

WHEREAS: Act 100 requires the establishment of written open record policies that include a municipal contact, a list of applicable fees, and regular business hours and other similar requirements to (1) fulfilling all written requests; (2) procedures for challenge of denial of records; (3) limitation to requiring motive for records and the number of records; (4) process forms and requester contact information; (5) other forms of requests (e.g. fax, e-mail, in person, mail); (6) Fee and charges for postage, copying, certification, and conversion of electronic files to paper form; (7) waiver of fees; (8) rules for fee schedules; (9) timing of requests; (10) specificity of requests; (11) availability of various records; (12) circumstances for fulfillment of a request and automatic denial of a request; (13) procedure for seeking legal opinions on the public nature of a record; (14) editing or redaction of partial public records; (14) procedure for denial of request of non-public records; (15) appeal process; (16) court proceedings; (17) penalties for violating Act 100; (18) maintenance of public records and purging of records.

NOW, THEREFORE, BE IT RESOLVED that the Supervisors of the Township of Conewago, Dauphin County, Pennsylvania, hereby adopts the attached Township policy for access to public records in the Township of Conewago.

ADOPTED by the Board of Supervisors of the Township of Conewago this \_\_\_\_ day of the month of \_\_\_\_\_, 200\_\_.

BOARD OF SUPERVISORS  
TOWNSHIP OF CONEWAGO  
DAUPHIN COUNTY,  
PENNSYLVANIA

ATTEST:

By: \_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
JOHN J. GRAYBILL  
Chairman

(SEAL)

## Conewago Township – Open Records Policy

### A. Requests for Public Records

1. Public records will be available for inspection and copying at the Township Municipal Building during normal business hours, Monday, Wednesday and Thursday, 10:00 AM to 5:00 PM, with the exception of Township holidays.
2. All requests for public records shall be in writing and directed to the Township Secretary or Township Secretary at the Conewago Township Municipal Building, 3279 Old Hershey Road, Elizabethtown, PA 17022.
3. Written requests shall be on a form provided by the Township and shall include the date of the request, the name and address of the requester, and a clear and specific description of the records requested.

### B. Fees for Copies and Other Media

1. Paper copies will be \$0.10 per page per side with the first ten (10) copies free of charge.
2. If mailing is requested, the cost of postage will be charged.
3. If a diskette is requested, the Township at the cost of \$1.00 per diskette will provide it. A new diskette will be provided for each record request.
4. Fax copies will be available at the cost of \$0.50 per page.
5. If "True and Correct Certification" is requested, an additional charge of \$10.00 will be added.
6. If additional costs in complying with any request are incurred, other reasonable fees may be assessed, such as custodial responsibilities during review of the records to assure that the records are not tampered with or removed from Township files. The custodial fees will be charged at 1.2 times the record custodian's normal rate of pay, calculated on an hourly basis, at fifteen (15) minute intervals rounded to the next higher interval.
7. The Township will review the request and estimate the fees for the requester, and will require a deposit in the amount of the estimated fees but will refund any excess deposit upon completion of the records request.

### C. Response to Record Requests

The Township staff or will make a good faith effort to provide the requested public records as promptly as feasible.

1. Township employees shall cooperate with those requesting to review and/or duplicate

original Township documents while taking reasonable measures to protect Township documents from the possibility of theft and/or modification.

2. The Township Secretary shall review all written requests for access to public records.
3. As soon as possible, but no later than five (5) business days after receiving a written request to access public records, the Township Secretary shall respond to all such requests in accordance with the requirements of Act 100 of 2002, the Open Records Law.
4. The Township Secretary will consult the Township Solicitor if it is believed that the release of a record or portions of the record may not be public information.
5. The Township Secretary will not create a record that does not exist or to put a document into a format that does not exist.
6. If part of a record or document is public and part of it is not, the Township may remove portions of a record that are not public information and the Township Secretary will provide a written denial in accordance with Section D below for any removed portions of the document.
7. Conewago Township may use up to 30 additional days if it must remove portions of a record that are not public, retrieve records not stored onsite, or obtain a legal review of the records requested; is experiencing a bona fide staffing shortage; or if the requester has not complied with municipal policies for records access. If the additional days are needed, the municipality must notify the requester of the delay in writing within the first five business days of receiving the request.

#### **D. Denial of a Request and Appeals Process**

1. The Township will deny a request for a document if that document is not a public document. All denials will be provided in writing, even if only a portion of the document is denied or removed. The written denial must include the following:
  - a. A description of the record,
  - b. The specific reasons for the denial, including legal citations and, if applicable, reasons from a legal opinion of why a record is not public,
  - c. The typed or printed name, title, business address, business telephone number, and signature of the township official denying the request,
  - d. The date of the denial, and
  - e. The appeal procedure in Act 100 of 2002 (*Section 3.4(c)*)
2. If a written request is denied or deemed denied, the requester may file exceptions with the Board of Supervisors within 15 business days of the mailing date of the Township's denial. The exceptions shall state grounds on which the requestor asserts that the record is a public record and shall address any grounds stated by the Township for denying the request.
3. Upon receipt of an exception of denial from a requestor in accordance with the requirements above, the Board of Supervisors will address the exception at a regularly scheduled meeting. The Board of Supervisors shall make a "final determination" on the

exceptions within 30 days of the mailing date of the exceptions. The Board of Supervisors may hold a hearing on the issue during the 30 days. If the Board determines that the denial was correct, it must provide a written explanation to the requester.

4. The requester may appeal a final determination to the Common Pleas Court or District Justice within 30 days of denial or final determination.

# Conewago Township – Record Request Form

DATE \_\_\_\_\_

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_

DESCRIPTION OF RECORDS (For more space, continue on back or separate sheet) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

INSTRUCTIONS (Please Circle): PICK-UP - FAX - MAIL - DISKETTE - E-MAIL

SIGNATURE (When request is fulfilled) \_\_\_\_\_

For TOWNSHIP Use Only:

Copies \_\_\_\_ Postage \_\_\_\_ Disk \_\_\_\_ Fax \_\_\_\_

TOTAL COST \_\_\_\_\_

DATE REQUEST FULFILLED \_\_\_\_\_

INITIALS OF STAFF CONTACT \_\_\_\_\_

DATE INFORMATION: PICK-UP \_\_\_\_\_ FAX \_\_\_\_\_ MAIL \_\_\_\_\_ DISK \_\_\_\_\_ E-MAIL \_\_\_\_\_