

# COLERAIN TOWNSHIP

## Right-to-Know Law Policy

(Adopted April 15, 2020, pursuant to 65 P.S. § 67.504(a))

**Effective Date: April 15, 2020**

### I. Authority

Colerain Township (“Township”) adopts this policy pursuant to Section 504(a) of the Right-to-Know Law, 65 P.S. §§ 67.101-67.3104 (“RTKL”). The Township has made this policy available to the public at its administrative office(s) and on the Township’s website: [coleraintwppa.com](http://coleraintwppa.com), along with the RTKL Uniform Request Form. *See* 65 P.S. § 67.504(b) (relating to Township posting requirements under the RTKL).

### II. Definitions

All of the definitions set forth in the RTKL are incorporated into this policy by reference. *See* 65 P.S. § 67.102.

*TORO.* The Township Open Records Officer designated by the Township pursuant to Section IV of this policy.

*Business day.* The regular business hours of the Township are ***Monday through Thursday from 8:00 am to 4:00 pm.*** Business days exclude Saturday and Sunday and a weekday on which the Township is closed for business.

### III. Township Website

The Township maintains a public website at [coleraintwppa.com](http://coleraintwppa.com). Many of the records most commonly requested from the Township are available on the website. The following information is also posted on the Township’s website: TORO contact information; contact information for the OOR; a form which may be used to file a RTKL request; and a copy of this policy. *See* 65 P.S. § 67.504(b) (relating to Township posting requirements under the RTKL).

### IV. Submitting a RTKL Request to the Township

A. *Open Records Officer.* The Township has designated a TORO to respond to RTKL requests.

The contact information for the TORO is:

Carmen Wiker, TORO

By Mail: 1803 Kirkwood Pike, Kirkwood, PA 17536

In Person: 1803 Kirkwood Pike, Kirkwood, PA 17536

Phone: 717-529-2570

Fax: 717-529-2199

Email: colerain@epix.net

The contact information for the TORO is posted on the Township website.

- B. *Request.*** Requests must be submitted in writing using the Township Request Form or the RTKL Uniform Request Form available on the Township website and must be addressed to the TORO. If a requester chooses not to use the Township Request Form or the RTKL Uniform Request Form, the request will be considered an informal request, not subject to the RTKL. This means that the requester cannot pursue the relief and remedies provided for in the RTKL. To allow the Township to locate requested records and determine whether those records are public, requests for records should be specific and concise and clearly identify, as precisely as possible, the records sought. See 65 P.S. § 67.703. Requesters should clearly indicate the preferred method of access – paper copies, electronic copies or by inspection. A requester should retain a copy of the request, as a copy of the request is necessary should a requester appeal the Township response.
- C. *Receipt of the request.*** For the purpose of calculating the response deadline, the Township is deemed to have received the request on the business day that the TORO receives the request. See 65 P.S. § 67.901. Any request that is received by the Township after the close of regular business hours shall be deemed to be received on the next business day. If the request is received by a Township employee other than the TORO, the request will be forwarded to TORO as soon as practical.
- D. *Verbal requests.*** The Township may respond to verbal requests for records at its discretion. Requesters submitting verbal requests for records should be aware that they may not pursue the remedies available to a requester under the RTKL.

- E. *Anonymous requests.* The Township will not respond to anonymous requests for records.
- F. *Response period generally.* The Township has 5 business days to respond to a request for records under the RTKL. If the Township does not respond, the request is considered “deemed denied,” and a requester’s appeal rights commence.

## **V. Township Response**

- A. *Response.* The Township will respond within 5 business days of the written request.
- B. *Extension of time for response.* The Township is permitted to take an additional 30 calendar days to respond to any request for the reasons set forth in Section 902 of the RTKL. *See* 65 P.S. § 67.902. If the Township invokes an extension, the Township will inform the requester in writing, in accordance with the requirements set forth in Section 902(b)(2) of the RTKL.
- C. *Requester’s agreement to extend the response period.* The requester may agree, in writing, to extend the Township response period. *See* 65 P.S. § 67.902(b)(2). The requester must agree to the extension during the initial 5 business-day response period or the extended 30 calendar day response period, if the Township has invoked one.
- D. *Trade secrets.* If a request involves records provided to the Township by a third party and the third party previously provided the Township with a written statement that the record contains a trade secret or confidential proprietary information, the Township shall provide notice to the third party. *See* 65 P.S. § 67.707(b).
- E. *Final response.* The Township may grant a request, partially grant and partially deny a request, or deny a request in its entirety. The final response of the Township will be in writing. Should the Township fail to issue a response within the applicable response period, the request is deemed denied. *See* 65 P.S. § 67.901.
  - 1. *Granting access to records.* The Township may grant a request for records by issuing a response: (1) granting access to inspect Township records during the Township’s regular business hours; (2) sending

copies of the records to the requester; or (3) by notifying the requester that the records are available on the Township website or other publicly accessible electronic means. *See* 65 P.S. §§ 67.701(a), 704.

2. *Denying or partially denying access to records.* Should the Township deny or partially deny a request for records through redaction or otherwise, the Township will inform the requester of the denial or partial denial in writing. The response will describe the requested records, inform the requester that the Township does not possess the responsive records or, if the records are exempt from public access, provide a citation to the relevant legal basis for withholding the requested records. *See* 65 P.S. § 67.903. Additionally, the response will provide the name, signature, title, business address and telephone number of the Open Records Officer who denied the request, as well as the date of the response and the procedure to appeal the denial. *See* 65 P.S. § 67.903.

F. *Fees.* The Township will charge fees as follows:

1. Paper copies will be \$0.25 per page side;
2. If mailing, cost of postage will be charged;
3. If a disk is requested, the Township will provide at a cost of \$1.00 per disk. A new disk, and corresponding charge, shall be required each time records are provided;
4. Fax copies will be provided at a cost of \$0.50 per page side;
5. If “True and Correct Certification” is requested, an additional charge of \$5.00 will be charged;
6. If total charges exceed \$10.00, the Township shall require prepayment. Further, if records were previously not paid for or not picked up, Township may require prepayment.

## **VI. RTKL Appeals**

- A. *Generally.* To challenge the denial, partial denial, or deemed denial of a request for Township records, an appeal may be filed using the OOR appeal form, available at <http://www.openrecords.pa.gov/Appeals/AppealForm.cfm>, or by **contacting:**

Executive Director  
Office of Open Records  
Commonwealth of Pennsylvania  
333 Market St., 16th Floor  
Harrisburg, PA 17101-2234  
[openrecords@pa.gov](mailto:openrecords@pa.gov)

- B. *Requirements of an appeal.* All appeals must be filed within 15 business days of the mailing date of the Township's denial, partial denial, or deemed denial of the request. All appeals must be in writing; must state the grounds upon which the requester asserts that the requested records are public records; must address any grounds stated by the Township for denying the request; and must include a copy of the request and the Township's response, if any. *See* 65 P.S. § 67.1101(a)(1).

## **VII. Township Notification of Third Parties on Appeal**

- A. *Township must notify third parties.* If records affect a legal or security interest of an employee of the Township; contain confidential, proprietary or trademarked records of a person or business entity; or are held by a contractor or vendor, the Township must notify such parties of the appeal immediately and provide proof of that notice to the OOR within 7 business days from the date of the OOR's Official Notice of Appeal.
- B. *Notice requirements.* Such notice must be made by (1) providing a copy of all documents included with the appeal to the OOR; and (2) advising that interested persons may request to participate in the appeal. *See* 65 P.S. § 67.1101(c).

## **VIII. Mediation**

The RTKL requires the OOR to establish an informal mediation process to resolve disputes under the RTKL. 65 P.S. § 67.1310(a)(6). This is a voluntary process to help parties reach a mutually agreeable settlement on records disputes before the OOR. Mediation, a facilitated conversation between the parties that can serve as a fair and efficient tool to resolve conflict, can save

time and expense. When appropriate, the Township is open to resolving RTKL disputes through the OOR's mediation process.

**IX. Record Retention**

The Township's record retention policy is available at the Township's Offices located at 1803 Kirkwood Pike, Kirkwood, PA 17536, where retention policy is available for public review.

Notwithstanding any other existing record retention policy, once a RTKL request is received, the Township shall maintain, preserve, retain, protect, and not destroy any and all records, both electronic and hard copy, that are potentially responsive to the request until such time as the request is fulfilled and all associated appeals are resolved.

**X. Additional Information about the RTKL**

Additional information about the RTKL, the request process, and the appeal process is available on the OOR website at <https://www.openrecords.pa.gov>