



Borough of Sugarcreek

OPEN RECORDS POLICY

Providing for access to public information, for a designated Right-to-Know officer, for procedures, and for appeal of agency determination, as required by Act 3 of 2008.

REQUESTS

Public records will be available for inspections and copying at the Sugarcreek Borough Municipal Building during normal business hours, Monday thru Friday, 8:00am to 4:00pm, with the exception of holidays.

The Borough Administrator shall be designated as the Right-to-Know officer. Requests shall be directed to the Borough Administrator at the Sugarcreek Borough Municipal Building, 212 Fox Street, Franklin, PA 16323. Written requests shall be on a form provided by the Borough and shall include the date of the requests, name and address of the requester, and clear description of the records sought.

FEES

The Borough has adopted the fee structure established by the Office of Open Records.

PROCEDURES

The Right-to-Know officer shall perform these specific functions as required by Act 3 of 2008:

- *Receive requests submitted to the Borough.
- *Direct requests to other appropriate persons within the Borough or to the appropriate persons in another agency.
- *A local agency must respond in writing to a right-to-know request within five working days. The agency shall respond in one of the following three ways.
 - *Grant the request and provide the records.
 - *Deny the request in whole or in part, cite the reason for the denial and outline the appeals process for the requestor.
 - *Invoke a 30 calendar-day extension.
- *Within 30 calendar-days, the agency shall:
 - *Grant the request and provide the records.
 - *Deny the request in whole or in part, cite the reason for the denial and outline the appeals process for the requestor.
- *Track the Borough's progress in responding to requests.
- *Issue interim and final responses under this act.

Upon receipt of a request for a public record, the Right-to-Know officer should do the following:

- *Stamp the date of receipt on the written request.
- *Compute the day on which the five-day response expires and make a notation of the date on the written request. A local agency must respond in writing to a right-to-know request within five working days.
- *Maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been fulfilled.
- * If the request is denied, the written request should be maintained for 30 days.
- *If an appeal is filed, maintain the records until a final determination is issued under section 1101(b) or the appeal is deemed denied.
- *Create a file and keep all of the following:

1. The original request.
2. A copy of the response.
3. A record of written communications with the requester.

APPEALS

If a written request is denied or deemed denied, the requestor may choose to file an appeal. The appeal must be filed within 15 business days of the mailing of the Borough's response, or within 15 business days of a deemed denial. The appeal shall state the grounds upon which the requestor asserts that the record is a public record, legislative record or financial record and shall address any grounds stated by the agency for delaying or denying the request.

For appeals relating to public, legislative or financial records, the appeal shall be filed with:

Liz Wagenseller, Executive Director
Office of Open Records
333 Market Street, 16th Floor, Harrisburg, PA 17101-2234
Fax: 717-425-5343
Email: openrecords@pa.gov
Website: <http://openrecords.pa.gov>

For appeals relating to criminal records, the appeal shall be filed with:

Venango County District Attorney's Office
1168 Liberty Street #102
Franklin, PA 16323
Phone: 814-432-9598
Website: <https://www.co.venango.pa.us/275/District-Attorney>

FEE SCHEDULE

The Borough has adopted the fee structure established by the Office of Open Records, as follows:

Black and White Copies	Up to \$0.25 per copy. A "copy" is either a single-sided copy, or one side of a double-sided copy, on 8.5"x11" or 8.5"x14" paper.
Color Copies	Up to \$0.50 per copy. A "copy" is either a single-sided copy, or one side of a double-sided copy, on 8.5"x11" or 8.5"x14" paper. Note that a requester may ask for black and white even if the original is color and color copies are available.
Specialized Documents (Including but not limited to, non-standard sized documents and blueprints)	Up to actual cost.
Records Delivered via Email	No additional fee may be imposed. If a requester asks to receive records which require redactions in electronic format, the Borough may print the records to provide for secure redaction, then scan them in for delivery by email. Accordingly, Sugarcreek Borough may charge the fees noted above for either B&W or color copies, as appropriate.
CD / DVD	Up to actual cost, not to exceed \$3.00 per disc.
Flash Drive	Up to actual cost.
Facsimile	Up to actual cost. If Sugarcreek Borough must print records to send them by facsimile, the Borough may charge the fees noted above for B&W copies.
Other Media	Up to actual cost.
Redaction	No additional fee may be imposed. If a requestor seeks records requiring redaction, Sugarcreek Borough may copy or print the records to provide for secure redaction. Accordingly, the Borough may charge the fees noted above for either B&W or color copies, as appropriate.
Conversion to Paper	Up to \$0.25 per page. If a record is only maintained electronically or in other non-paper media, duplication fees shall be limited to the lesser of the fee for duplication on paper or the fee for duplication in the original media, unless the requestor specifically requests for the record to be duplicated in the more expensive medium.
Photographing a Record	No additional fee may be imposed. This assumes the requestor is using his or her own camera, such as a cellphone camera, to photograph the records. If redaction is required prior to the requestor being granted access to photograph records, the Borough may copy or print the records to provide for secure redaction. Accordingly, the Borough may charge the fees noted above for either B&W or color copies, as appropriate.
Postage	Up to actual cost of USPS first-class postage.
Certification	Up to \$5.00 per record. Under the Right-to-Know Law, the Borough may impose "reasonable fees for official certification of copies if the certification is at the behest of the requestor and for the purpose of legally verifying the public record." Certification fees do not include notarization fees.

Please Also Be Advised:

Statutory Fees: If a separate statute authorizes an agency to charge a set amount for a certain type of record, the agency may charge no more than that statutory amount. For example, a Recorder of Deeds may charge a fee of 50 cents per uncertified page and \$1.50 per certified page under 42 P.S. § 21051. Police departments have the authority to charge up to \$15 per report for providing a copy of a vehicle accident report. 75 Pa. C.S. § 3751 (b)(2). Philadelphia police may charge up to \$25 per copy. Id. At (b)(3). State police are authorized to charge "\$5 for each copy of the Pennsylvania State Police full report of investigation." 75 Pa. C.S. § 1956(b).

Enhanced Electronic Access: If an agency offers enhanced electronic access to records in addition to making the records accessible for inspection and duplication by a requester, the agency may establish user fees specifically for the provisions of the enhanced electronic access, but only to the extent that the enhanced electronic access is in addition to making the records accessible for inspection and duplication by a requester as required by this Act. The user fees for enhanced electronic access may be a flat rate, a subscription fee for a period of time, a per-transaction fee, a fee based on the cumulative time of system access or any other reasonable method and any combination thereof. **The user fees for enhanced electronic access must be reasonable, must be pre-approved by the Office of Open records and shall not be established with the intent or effect of excluding persons from access to records to duplicates thereof or of creating profit for the agency.** Please submit any requests to the

Office of Open Records
333 Market Street
16th Floor
Harrisburg, PA 17101-2234

Fee Limitations: Except as otherwise provided by statute, the law states to **no other fees may be imposed** unless the agency necessarily incurs costs for complying with the request, and such fees must be reasonable. No fee may be imposed for an agency's review or a record to determine whether the record is a public record, legislative record or financial record subject to access in accordance with this Act. No fee may be charged for searching for or retrieval of documents. An agency may not charge staff time or salary for complying with a Right-to-Know request.

Prepayment: Prior to granting a request for access in accordance with this Act, an agency may require a requester to prepay an estimate of the fees authorized under this section if the fees required to fulfill the request are expected to exceed \$100.

Once the request is fulfilled and prepared for release, the Office of Open Records recommends that the agency obtain the cost of the records prior to releasing the records. This recommendation is designed to avoid situations in which the agency provides the records and the requester fails to submit payment.