

Carlisle Borough
Access to Public Records Policy

Section 1. Purpose.

This policy shall implement and govern the release of public records by personnel of Carlisle Borough. It is intended to comply with the Right to Know Law of Pennsylvania, 65 P.S. §67.101 *et seq.*, as amended, and where the provisions of this policy conflict with any provision of the Act, the latter shall control.

Section 2. Definitions.

- a) ACT – The Act commonly known as the Right to Know Law of Pennsylvania or the Pennsylvania Right to Know Law, 65 P.S. §67.101 *et seq.*, as amended.
- b) BOROUGH – Carlisle Borough, Cumberland County, Pennsylvania, and all of its respective elected and appointed officials and employees.
- c) PUBLIC RECORD – A Borough record, including a financial record, that:
 - 1) Is not exempt under section 708 of the Act;
 - 2) Is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or
 - 3) Is not protected by a privilege.
- d) RECORD – Information, regardless of physical form or characteristics, that documents a Borough transaction or activity and that is created, received or retained pursuant to law or in connection with a Borough transaction, business or activity. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and a data-processed or image-processed document.
- e) REQUESTER – A person that is a legal resident of the United States and requests a record pursuant to this Act. The term includes an agency.

Section 3. Denial of access to persons who are not requestors.

The Borough shall deny access to public records to any person who is not a requester.

Section 4. Record not accessible as public record.

No record, other than a public record, shall be made available to a requester. The Borough shall not be required to create a public record which does not currently exist or to compile, maintain, format or organize a public record in a manner in which the Borough does not currently compile, maintain, format or organize the public record.

Section 5. Procedure for requesting a public record.

- a) Method of Request. A request for access to a public record should be written and submitted in person, by mail, by email, by facsimile or, to the extent provided by Borough rules, any other electronic means, and shall be addressed to the Open Records Officer, Carlisle Borough, 53 West South Street, Carlisle, PA 17013 (Telephone #: 717.249.4422; Facsimile#: 717.240.6615).
- b) A request must be written in order for the Requester to avail himself of the rights and remedies under the Act. An email request shall be considered a written request.
- c) Form of Request. The request shall be addressed to the person designated above and shall:
 - 1) Describe the public records sought as detailed as possible.
 - 2) Include the name and address of the requester.
 - 3) The requester shall use the "Public Records Request Form," a copy of which is attached hereto as Appendix 1. The Borough shall make this form available to requesters.

Section 6. Prohibitions.

- a) The Borough shall not require the requester to disclose the purpose or motive in requesting access to public records.
- b) The Borough shall not limit the number of public records that may be requested or made available for inspection or duplication.

Section 7. Time when public record is made available.

- a) Public records shall be available for access during the regular business hours of the Borough as established from time to time.
- b) Public records will not be available for access when the Borough offices are closed during non-business hours, weekends, holidays, or for other reasons of exigency or emergency.

Section 8. Form and release of public record.

- a) A public record shall be provided to a requester in the medium requested if the public record exists in that medium; otherwise, it shall be provided in the medium in which it exists.
- b) The Borough may make its public records available through any publicly accessible electronic means.

- c) Conversion of an electronic public record to paper. If a public record is only maintained electronically or in other non-paper media, the Borough shall, upon request, duplicate the public record on paper when responding to a request for access.
- d) Release by mail.
 - 1) If not otherwise requested by the requester, the Borough shall send the requested public records by regular mail, or at the option of the Borough, may send the public records by electronic mail to those requesters capable of receiving electronic mail.
 - 2) The requester may request delivery of the public records by mail, facsimile, express mail, email or other customarily available methods. The Borough shall make a good faith effort to send the public records by the method requested.
 - 3) The postage or other actual fees for delivery shall be charged to the requester.
- e) In person.
 - 1) If a requester desires to receive the public records in person, he may communicate his request verbally or in writing by mail, facsimile or email to the Borough to retain the records for pick-up at the Borough Office.
 - 2) Upon receiving the request, the Borough shall make a good faith effort to hold the requested public records at the Borough Office for a reasonable period of time, which shall not exceed sixty (60) days.

Section 9. The Borough's response to requests.

- a) Notice of the Borough's decision.
 - 1) The Borough shall respond within five (5) business days by providing the requested public records, extending the time for response, denying the request or partially granting and partially denying the request.
 - 2) The Borough shall respond in writing unless the request was made in another medium, in which event its response may be in both writing and the medium in which the request was made.
- b) Extensions. If the Borough determines that one of the following applies, it shall send written notice to the requester within five (5) business days of the request that it is being reviewed, the reason for the review and a reasonable date that a response is expected to be provided:
 - 1) The request for access requires redaction of a public record in accordance with Section 11 of this policy.

- 2) The request for access requires the retrieval of a record stored in a remote location.
- 3) A timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations.
- 4) A legal review is necessary to determine whether the record is a public record.
- 5) The requester has not complied with the Act or this policy regarding access to public records.
- 6) The requester refuses to pay applicable fees authorized by Section 12 of this policy.
- 7) The extent or nature of the request precludes a response within the required time period.

c) Deemed Denial.

The Borough's failure to comply with the time limitations set forth in paragraph (a) shall be deemed to be a denial of the request. If the Borough's response under paragraph (b) is expected to be provided in excess of thirty (30) days, following the five (5) business days allowed in paragraph (a), the request shall be deemed denied.

d) Denial.

If the Borough response is a denial of the request, whether in whole or in part, a written response shall be issued and include:

- 1) A description of the record requested.
- 2) The specific reason for the denial, including a citation of supporting legal authority. If the denial is the result of a determination that the record requested is not a public record, the specific reasons for the Borough's determination that the record is not a public record shall be included.
- 3) The typed or printed name, title, business address, business telephone number and signature of the public official or public employee on whose authority the denial is issued.
- 4) The date of the response.
- 5) The procedure to appeal the denial of access.

Section 10. Exceptions and final Borough determination.

- a) If a written request for access is denied or deemed denied, the requester may file an appeal to the Pennsylvania Office of Open Records within fifteen (15) business days

of the mailing date of the Borough's denial or within fifteen (15) days of a deemed denial.

- b) The exceptions shall state the grounds upon which the requester asserts that the record is a public record and shall address any grounds stated by the Borough for delaying or denying the request.

Section 11. Redaction.

- a) If the requested public records include information that is not subject to public access, the Borough may redact that information.
- b) The information which the Borough redacts shall be deemed a denial under Section 9 of this policy and the Borough shall give a written response to the requester in accordance with that Section.

Section 12. Disruptive requests.

The Borough may deny a requester access to a record if the requester has made repeated requests for that same record and the repeated requests have placed an unreasonable burden on the Borough. A denial under this subsection shall not restrict the ability to request a different record.

Section 13. Fees.

- a) The Borough shall charge the requester the actual fees for postage for mailing the public records. When another means of delivery is requested, such as express mail or facsimile, the Borough shall charge the requester the actual delivery fees incurred by the Borough.
- b) Duplication. Fees for duplication by photocopying, printing from electronic media or microfilm, copying onto electronic media, transmission by facsimile or other electronic means and other means of duplication shall be determined by the Borough from time to time, but shall be in conformity with those established by the PA Office of Open Records and be otherwise reasonable and based on prevailing fees for comparable duplication services provided by local business entities. The current list of fees is attached to this Policy as Appendix 2.
- c) Certification. The Borough will impose reasonable fees, as determined by it from time to time, for official certification of copies when the certification is at the behest of the requester and is for the purpose of legally verifying the public record. The current certification fee is listed on Appendix 2.
- d) Conversion to paper. If a public 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 native media as provided by subsection (b) unless the requester specifically requests for the public record to be duplicated in the more expensive medium.

- e) Enhanced electronic access. If the Borough offers enhanced electronic access to public records in addition to making the public records accessible for inspection and duplication by a requester, the Borough will, from time to time, establish user fees specifically for the provision of the enhanced electronic access, but only to the extent that the enhanced electronic access is in addition to making the public records accessible for inspection and duplication by a requester as required by law. 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 shall be reasonable and may not be established with the intent or effect of excluding persons from access to public records or duplicates thereof or of creating profit for the Borough. If offered, the fees for this service are listed on Appendix 2.
- f) Waiver of fees. The Borough may waive the fees for duplication of a public record including, but not limited to, when:
 - 1) The requester duplicates the public record; or
 - 2) The Borough deems it is in the public interest to do so.In either event, the determination as to waiver of fees, in whole or in part, shall be made by the Borough Open Records Officer or his designee.
- g) If the expected fees to fulfill the request exceed \$100, the Borough may require the requester to prepay the estimate of the fees.

Section 14. Posting of policy.

This policy shall be conspicuously posted at the Borough office and may be made available by electronic means.



Borough of Carlisle
Standard Right-to-Know Request Form

Date Requested: _____

Request Submitted by: ___ Email ___ U.S. Mail ___ Fax ___ In Person

Request Submitted to: Borough of Carlisle, Joyce Stone, Right to Know Officer,
53 West South Street, Carlisle, PA 17013

Name of Requester: _____

Street Address: _____

City/State/County/Zip (Required): _____

Telephone (Optional): _____ Email (Optional): _____

*If the report is four pages or less, it can be emailed to the Requester.

Records Requested: *Provide as much specific detail as possible so the agency can identify the
information.

- Do you want copies? Yes or No
Do you want to inspect the records? Yes or No
Do you want certified copies of records? Yes or No
Do you want to be notified in advance if the cost exceeds \$100? Yes or No

Please note: RETAIN A COPY of this request for your files
It is a required document if you would need to file an appeal

For Agency Use Only

Open Records Officer: Joyce Stone
I have provided notice to appropriate third parties and given them an opportunity to
object to this request.

Date Received by the Agency: _____

Agency five (5) business day response due: _____

*Public bodies may fill anonymous verbal or written requests. If the requester wishes to pursue the
relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written
requests need to include an explanation why information is sought or the intended use of the
information unless otherwise required by law. (Section 703.)

APPENDIX 2

CARLISLE BOROUGH

FEE SCHEDULE

Record Type	Fee
<u>DUPLICATION FEES:</u>	
Copies <i>(A "photocopy" is either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5" x 11" page)</i>	\$.25 per page (First four pages free)
Zoning Ordinance:	\$50.00 *
SALDO:	\$25.00 *
Borough Maps – Large:	\$10.00 *
Borough Maps – Small:	\$5.00 *
Zoning Map – Large; Black & White:	\$10.00 *
Zoning Map – Large; Color :	\$20.00 *
Zoning Map – Small; Black & White:	\$5.00 *
Zoning Map – Small; Color :	\$10.00 *
Police Accident Reports:	\$15.00
Standard Public Works Specs:	\$50.00 *
<u>CERTIFICATION OF A RECORD:</u>	\$1.00

FACSIMILE/MICROFICHE/OTHER MEDIA: \$0

REDCATION FEE: \$0

CONVERSION TO PAPER: If not noted under "Duplication Fees",
will be Prevailing Fee

MISCELLANEOUS CODES: Prevailing Price
*(such as Building, Residential, Plumbing,
Fire Prevention, Property Maintenance
Mechanical, Energy Conservation, and
Private Sewage Disposal)*

POSTAGE FEES: Fees for Postage will not exceed
the actual cost of mailing

**At or below actual cost to the Borough*