

**PAINT TOWNSHIP, PENNSYLVANIA  
RESOLUTION NO. R-06-1**

A resolution of Paint Township adopting the Municipal Policy regarding access to Public Records

WHEREAS, the governor signed Act 100 of 2002 on June 29, 2002, addressing access to public records; and,

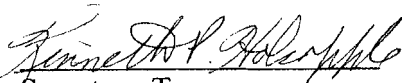
WHEREAS, Act 100 of 2002 became effective on December 26, 2002; and,

WHEREAS, Act 100 of 2002 requires municipalities to establish a written policy regarding access to public records; and,

NOW THEREFORE, BE IT RESOLVED that the township hereby adopts the Municipal Policy Regarding Access to Public Records in the form attached hereto as Exhibit A. This policy may be amended from time to time by Resolution.


Adopted this 16 day of January 2006


ATTEST:

  
Secretary-Treasurer

Paint Township Supervisors

  
Chairman

  
Vice-Chairman

  
Secretary-Treasurer

## **POLICY REGARDING ACCESS TO PUBLIC RECORDS**

### Purpose

The purpose of this policy is to insure compliance with the Pennsylvania Right-to-Know Law, 65 P.S. § 66.1 et seq., as amended, to provide access to the public records of the Municipality, to preserve the integrity of the Municipality's records, and to minimize the financial impact to the residents of the Municipality regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

### Policy

It is the policy of the Municipality to require the presence of a designated employee when public records are examined and inspected and to charge reasonable fees for duplication of public records of the Municipality. The Municipality designates the Municipal Manager as the municipal person responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines:

1. The Municipality may designate certain employee(s) to process public records requests.
2. All requests for public records of the Municipality under this policy shall be specific in identifying and describing each public record requested. In no case shall the Municipality be required to create a public record which does not exist or to compile, maintain, format or organize a public record in a manner in which the Municipality does not currently compile, maintain, format or organize the public record. All requests for public records shall be submitted in writing and on a form provided by the Municipality, as attached hereto entitled "Public Record Review/Duplication Request."
3. All requests for police and/or fire incident reports shall be submitted on a form provided by the police department and/or the fire department (the "Public Safety Departments"). In no case shall the Public Safety Departments be required to create a public record which does not exist or to compile, maintain, format or organize a public record in a manner in which the Public Safety Departments do not currently compile, maintain, format or organize the public record. Release of information by the Public Safety Departments is subject to the Criminal History Information Act, 18 Pa. C.S. §§ 9101-9183, and other applicable law.
4. The designated employee shall make a good faith effort to determine whether each record requested is a public record.
5. The Municipality shall facilitate a reasonable response to a request for municipal public records. In no case is the Municipality expected to provide extraordinary staff to respond to the request, but will respond in a manner consistent with the Municipality's administrative responsibilities and consistent with the requirements of the Pennsylvania Right-to-Know Law, and where applicable, the Criminal History Information Act, and other applicable law.

6. The designated employee shall respond to the requester within five (5) business days from the date of receipt of the written request. If the Municipality does not respond within five (5) business days of receipt thereof, the request is deemed denied.
7. The response provided by the Municipality shall consist of (1) approval for access to the public record; (2) review of the request by the designated employee; or (3) denial of access to the public record requested.
8. If access to a public record requested is approved, the public record shall be available for access during the regular business hours of the Municipality. The designated employee shall cooperate fully with the requester, while also taking reasonable measures to protect the Municipality's public records from the possibility of theft and/or modification, The presence of a designated employee is required when public records are reviewed and examined.
9. Fees for duplication of public records shall be as follows:
  - (a) Photocopying: .25cents per page;
  - (b) Duplication of public electronic and/or tape records: Actual cost to the Municipality of duplicating the public record;
  - (c) Certified copies: .50cents per page;
  - (d) Postage: Actual cost to the Municipality of mailing the public record;
  - (e) Police Traffic Accident Reports: Fifteen dollars (\$15);

The Municipality may, in its discretion, waive fees. Township residents/tax payer are exempt from fees.

10. In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed \$100, the designated employee(s) shall obtain 100% of the expected cost in advance of fulfilling the request to avoid the unwarranted expense of municipal resources.
11. If the request is being reviewed, the notice provided by the Municipality shall be in writing and include the reason for the review and the expected response date, which shall be within thirty (30) days of the notice of the review. If the Municipality does not respond within

thirty (30) days thereof, the request is deemed denied. Review of the request is limited to situations where:

- (a) The record requested contains information which is subject to access, as well as information which is not subject to access that must be redacted prior to a grant of access. The redacted information is considered a denial as to that information;
  - (b) The record requires retrieval from a remote location;
  - (c) A timely response cannot be accomplished due to staffing limitations;
  - (d) A legal review is necessary to determine whether the record requested is a public record;
  - (e) The requester has failed to comply with the Municipality's policy and procedure requirements; or
  - (f) The requester refuses to pay the applicable fees.
12. If access to the record requested is denied, the notice provided by the Municipality shall be in writing as indicated on the form attached hereto entitled "Denial of Request to Review and/or Duplicate Municipal Records."
13. If the request is denied or deemed denied, the requester may file exceptions with the Municipality within fifteen (15) business days of the mailing date of the Municipality's notice of denial, or within fifteen (15) days of a deemed denial. The exceptions must:
- (a) Indicate the date of the original request;
  - (b) Identify and describe the record(s) requested;
  - (c) State the grounds upon which the requester asserts the record(s) is a public record; and
  - (d) Address any grounds stated by the Municipality in its notice of denial.
14. The Municipality shall review the exceptions and may conduct a hearing to assist in making a final determination. A final determination will be made within thirty (30) days of the mailing date of the exceptions, unless extended by the parties. If the denial is upheld, the decision shall contain a written explanation of the reason for denial and an explanation of the process for further appeal.
15. This policy shall be posted conspicuously at the Municipal Building on a public bulletin board.
16. This policy shall take effect on January 16, 2006

**PAINT TOWNSHIP • SOMERSET COUNTY  
RECORDS REQUEST FORM**

1741 Basin Drive, Windber, PA 15963  
Phone: 814 467-9788 • Fax: 814 467-6679

**PUBLIC RECORDS REQUEST FORM**

Please provide the following information so we may locate your requested record.

Date and Time of Request:
Person requesting (name):
Address:
Phone Number:
Signature:
Description of specific records requested and comments, if any: (Use back of form if necessary)

**PUBLIC SAFETY RECORDS**

Date and Time of Incident:
Incident Number:
Location of Incident:
Type of Incident:
Person(s) involved in Incident:

Method(s) of delivery:            pickup \_\_\_\_\_ mail \_\_\_\_\_ fax \_\_\_\_\_ disk \_\_\_\_\_

Note: By executing this form, the requester certifies that he/she has received, read and understands the applicable appeal rights as referenced on Page 2, 3 and 4 of this form.

You will be notified within five (5) business days of the status of your record request.

-----For Office Use Only-----

Number of Pages:	Postage:	Fax:
Disk:	Fees per report: Incident: \$	Accident: \$15.00
Computer-aided Dispatch: \$	Record Release: Approved: _____	Record Release: Denied: _____
Date: Mailed: _____	Faxed: _____	Picked Up: _____

Signature of Township Official:
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