

Borough of Edgewood Policy under the Right-to-Know Act

1. Purpose

This written policy outlines the procedures for ensuring compliance by the Borough of Edgewood (“Edgewood”) with the requirements of the Pennsylvania Right-to-Know Act (“RTKA”), 65 P.S. §66.1 et seq, as amended, which allows Requesters to inspect and obtain copies of Public Records.

2. Definitions

For purposes of this policy, the terms set forth below shall have the following meanings:

“Business Day” shall mean a calendar day in which the municipal office of Edgewood is open for business and does not include any day on which the municipal offices are closed due to inclement weather, emergencies, holidays, or weekends.

“Financial Record” shall mean any account, voucher or contract dealing with the receipt of disbursement of funds; or acquisition, use or disposal of services, supplies, materials, equipment or property; or the salary or other payments of expenses paid to an officer or employee of Edgewood, including the individual’s name and title; and a financial audit report excluding the audit’s underlying work papers.

“Public Record” shall mean a record, including a financial record, of Edgewood that: (i) is not exempt from disclosure under Pennsylvania’s Right-to-Know Act; (ii) is not exempt from being disclosed under any other federal or state law, regulation, judicial order or decree; and, (iii) is not protected by a privilege.

“Record” shall mean information, regardless of physical form or characteristics that documents a transaction or activity of Edgewood and that is created, received, or retained pursuant to law or in connection with a transaction, business or activity of Edgewood.

“Requester” shall mean a person who is a legal resident of the United States and requests a record under the RTKA, or an agency making such a request.

3. Open Records Officer

Requests for access to public records must be directed to the Open Records Officer of the Borough of Edgewood. Any employee of Edgewood who receives a request for access to public records under the RTKA shall immediately forward such a request to the Open Records Officer.

The Open Records Officer bears the primary responsibility for receiving requests submitted to Edgewood under the RTKA, directing requests to other appropriate persons within Edgewood or to appropriate persons in other agencies, tracking

Edgewood's progress in responding to requests, and issuing timely interim and final responses under the RTKA.

Upon receipt of a request under the RTKA, the Open Records Officer shall take the following steps in order to track the status of Edgewood's response to the request:

- A. Note the date on which the written request was received by Edgewood;
- B. Compute the day on which the five (5) Business Day period for Edgewood's response will expire and make a notation of that date on the written request;
- C. Maintain an electronic or paper copy of the written request, including all documents submitted with the request; and,
- D. If the written request is denied, either in full or part, maintain the written request for at least thirty (30) days, or, if an appeal is filed, until a final disposition is reached regarding the appeal.

The Open Records Officer will respond to a written request within five (5) business days after its receipt. During that period, the Open Records Officer will make a good faith effort to locate the requested record, determine if it constitutes a public record, redact any confidential portions to allow for disclosure, and prepare an appropriate response. If the response given within the five (5) business day timeframe is an interim response because additional time is needed to respond to the request for the reasons set forth in the RTKA, Section 902, the Open Records Officer shall provide a final response to the request within thirty (30) days of the date of the letter constituting the interim response.

The person designated to act as the Open Records Officer for Edgewood is identified as follows:

Rob Zahorchak
Borough of Edgewood
2 Race Street
Pittsburgh, PA 15218
(412) 242-4027 (fax)
Email: manager@edgewoodboro.com

4. Requests

All requests for public records shall be made in writing and directed to the Open Records Officer. Written requests may be submitted in person, by mail, by email, or by facsimile.

All Requesters should use the RTKA Request Form Edgewood has developed for this purpose and which is available by accessing Edgewood's website at: www.edgewoodboro.com. A uniform request form created by the Pennsylvania Office of Open Records will also be accepted and is available by accessing the website of the Pennsylvania Office of Open Records at: <http://openrecords.state.pa.us>. All requests should contain sufficient information to identify the records being requested, and should include the name and address to which Edgewood should direct its response.

Requests for public records made in person shall be made during regular business hours on Business Days. Regular business hours are 8:30 AM to 5:00 PM Eastern Standard Time on Business Days.

Edgewood will not respond to verbal requests or any written request that does not identify the requester.

5. Inspection

After determining that a record requested is a Public Record, Edgewood will allow inspection and duplication, if requested.

The inspection of a Public Record by a Requester shall take place at the Edgewood municipal offices during regular business hours unless an alternative location is designated by Edgewood.

Except for duplicates made and delivered to a Requester pursuant to this policy, no Public Record shall be removed from the control or supervision of Edgewood. Edgewood retains the right to ensure the integrity of its records under inspection pursuant to this policy, including but not limited to requiring supervised or monitored inspection of Public Records.

6. Fees

Edgewood will assess the following fees under the RTKA:

Printing Copies of Non-Paper Records or Photocopying (which 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): \$0.25 per page.

Certification of a Record: \$1.00 per record, plus notarization fees, if applicable.

Postage: Actual cost beyond a single postage stamp.

Specialized Documents (e.g., but not limited to, color copies, non-standard sized documents, blue prints): Actual cost. The Borough of Edgewood may require prepayment of the fees authorized hereunder if the anticipated cost to fulfill the request exceeds \$100.00.

The check or money order used to pay any fees hereunder shall be made payable to the Borough of Edgewood.

In no event shall the fees charged pursuant to this policy exceed the maximum charges set forth in the fee structure established by the Pennsylvania Office of Open Records.

7. Appeals

If a written request for access to a record is denied or deemed denied, a Requester may file an appeal with the Pennsylvania Office of Open Records within 15 business days of the mailing date of Edgewood's response, or within 15 business days of a deemed denial. The appeal shall state the grounds upon which the Requester asserts that the record is a Public Record and shall address any grounds stated by Edgewood for delaying or denying the request. The address of the Pennsylvania Office of Open Records is:

Commonwealth of Pennsylvania
Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17120

8. Posting of Policy

A copy of this policy shall be posted in Edgewood's municipal offices in an area accessible to the public and on Edgewood's website.