

LEHIGH CARBON COMMUNITY COLLEGE

**Right-To-Know
Regulation and Policies**

<p>1. Purpose</p> <p>2. Definitions</p> <p>65 P.S. Sec. 67.102</p> <p>65 P.S. Sec. 67.708(b)</p> <p>65 P.S. Sec. 67.1310</p> <p>65 P.S. Sec. 67.502(a) and (b)</p> <p>65 P.S. Sec. 67.102</p> <p>65 P.S. Sec. 67.102</p> <p>65 P.S. Sec. 67.102</p> <p>65 P.S. Sec. 67.102</p>	<p>LCCC recognizes it is a Commonwealth Agency as defined in Pennsylvania’s new Right-To-Know Law providing for access to public information, with certain exceptions, exemptions, and limitations, subject to law, Board policy, and administrative regulations.</p> <p><u>Agency</u> – any Commonwealth, local, judicial, or legislative agency. The College is included as a state affiliated entity which is included by definition as a Commonwealth agency.</p> <p><u>Exceptions</u> – Records which are exempt from access under the Right-to-Know Law due to statutorily provided exemptions and reasonable interpretations thereof.</p> <p><u>Office of Open Records</u> – an Office in the Department of Community and Economic Development, Commonwealth of Pennsylvania, established by law, which provides for implementation of the Law, including training, advisory opinions and an appeal process for denial of access.</p> <p><u>Open Records Officer</u> – an official or employee of the College who is designated to receive requests submitted to the agency under the Law, direct requests to other appropriate persons within the agency or to appropriate persons in another agency, track the agency's progress in responding to requests, and issue interim and final responses under the Law.</p> <p><u>Public Record</u> - a record, including a financial record, that is not protected by a defined privilege, is not exempt from being disclosed under one of the Exceptions, and/or is not exempt from disclosure under any federal or state law or regulation, judicial decree, or order.</p> <p><u>Record</u> - information, regardless of physical form or characteristics, that documents a transaction or activity of the College and is created, received or retained pursuant to law or in connection with a transaction, business or activity, including: 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.</p> <p><u>Requester</u> - a legal resident of the United States including an agency who requests access to a record.</p> <p><u>Response</u> - the College’s written notice to a requester granting, denying, or partially granting and partially denying access to a requested record, or indication of an extension of time for a response.</p>
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<p>3. <u>Authority</u> 65 P.S. Sec. 67.301 67.504 (a)</p>	<p>The College shall make the College's public records available for access, in accordance with the Law.</p> <p>The College shall be entitled to promulgate regulations and policies to implement the Law.</p>
<p>4. <u>Delegation of Responsibility</u> 65 P.S. Sec. 67.502 67.901</p>	<p>The College shall designate an Open Records Officer, who shall be responsible to:</p> <ol style="list-style-type: none"> 1. Develop and revise, as required from time to time, the forms used to request records, as well as forms for response. 2. Receive all written requests for access to records submitted to the College. 3. Make a good faith effort to determine if the record requested exists, is a public record, and if it exists, whether or not the College has possession, custody or control of the record. 4. Review and respond to written requests in accord with the Law. 5. Direct requests to other appropriate persons of the College or to third parties, as required. 6. Track the College's progress in responding to requests. 7. Issue interim and final responses to submitted requests. 8. Create and maintain a file of all record requests and their disposition, for the duration as provided by law, including the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications. If the written request is denied, maintain the written request for thirty (30) days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied. 9. Review and study the law, seek additional training as needed and when appropriate, and train the College community on how to handle receipt of a request and to perform an assigned job function relative to requests for access and response thereto.
<p>65 P.S. Sec. 67.502</p> <p>5. <u>Guidelines</u> 65 P.S. Sec. 67.701(a) and (b)</p>	<p>Upon receiving a request for access to a record, the Open Records Officer, or designee, shall:</p> <ol style="list-style-type: none"> 1. Note the date of receipt on the written request. 2. Compute and note on the written request the day on which the five (5) business day period for response will expire. 3. Maintain an electronic or paper copy of the written request, including all documents submitted with the request, until the request has been fulfilled. <p><u>General</u></p> <p>Requesters may access, inspect and procure copies of the public records of the College during the regular business hours of the administration offices by appointment through the Open Records Officer at the College Main Campus – 4525 Education Park Drive, Schnecksville, PA 18078 (Telephone 610-799-2121).</p>

	<p>Access does not include the right to remove a record from the control or supervision of the College, or access to a computer of the College or a College employee.</p> <p>The College will use its best reasonable efforts to accommodate requesters with special needs due to physical difficulties. The College reserves judgment and discretion in meeting a request that is outside the requirements of the Law.</p> <p>The College shall not limit the number of records requested as a matter of policy or require a reason for the request.</p> <p>When responding to a request for access, the College is not required to create a record that does not exist nor to compile, maintain, format or organize a record in a manner which the College does not currently use.</p> <p><u>Disruptive Requests</u></p> <p>The College shall 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 College. Such denial shall not restrict the ability to request a different record.</p> <p><u>Disaster or Potential Damage</u></p> <p>A request may be denied when timely access is not possible due to a disaster, or when access may cause physical damage or irreparable harm to a record, document, Archive or manuscript that is historical, ancient or rare. To the extent possible, a record's contents may be made accessible even when the record is physically unavailable.</p> <p><u>Contact Information</u></p> <p>The College shall post on its website and at each campus the name of the Open Records Officer, the Open Records Officer's address (both for mail and electronically), the preferred College form for mailing a request, these Regulations and Policies, as modified from time to time, and the contact information for the Pennsylvania Office of Open Records as follows:</p> <p>Commonwealth of Pennsylvania Office of Open Records Commonwealth Keystone Building 400 North Street, Plaza Level Harrisburg, PA 17120-0225</p>
<p>65 P.S. Sec. 67.1308</p>	
<p>65 P.S. Sec. 67.705</p>	
<p>65 P.S. Sec. 67.506(a)</p>	
<p>65 P.S. Sec. 67.506(b)</p>	
<p>65 P.S. Sec. 67.504</p>	

<p>65 P.S. Sec. 67.702</p>	<p><u>Request for Access</u> Requests for access to a public record shall be in writing submitted on the required form(s) attached to the College website or made available at the College and must be addressed to the Open Records Officer. Verbal or anonymous verbal or written requests will not be honored.</p> <p>Written requests may be submitted to the Open Records Officer in person, by mail, to a designated facsimile machine, or to a designated e-mail address.</p>
<p>65 P.S. Sec. 67.701(a), 67.703</p>	<p>Each request must include the following information:</p> <ol style="list-style-type: none"> 1. Addressed to the College Open Records Officer. 2. Identification or description of the requested record, in sufficient detail, such that the record(s) may be identified with specificity. 3. Medium in which the record is requested. 4. Name and address of the individual to receive the College's response. <p>Failure to provide this information may result in a denial, deemed denial, or delay in response.</p>
<p>65 P.S. Sec. 67.703</p>	<p>The College shall not require an explanation of the reason for the request or the intended use of the requested record, unless otherwise required by law. However, the Requester may offer an explanation for the request; this may facilitate a more timely and specific response.</p>
<p>65 P.S. Sec.1307(b)(1)(3)</p>	<p><u>Fees</u> The Open Records Officer shall establish and keep current a list of reasonable Fees which shall be no more than the fee structure as established by the Pennsylvania Office of Open Records.</p> <p>The fee for photocopies of a record or records shall be zero for the first ten (10) pages, and 25¢ per page for pages 11 through the balance of the record or records. 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.</p>
<p>65 P.S. Sec. 1307(c)</p>	<p>The fee for certification of a record shall be \$5.00 per record.</p> <p>The fee for specialized documents such as blueprints, color copies, non-standard size, microfiche or other medium shall be the actual cost of preparation or duplication.</p>
<p>65 P.S. Sec. 1307(a)</p>	<p>The fee for postage shall be the actual cost of mailing through the U.S. Postal system as first class mail.</p>

65 P.S. Sec. 67.1307(g)	No fee shall be imposed for review of a record to determine whether the record is subject to access under law.
65 P.S. Sec. 67.1307(h)	<p>Prior to granting access, the College shall require prepayment of estimated fees when the estimated fees required to fulfill the request are expected to exceed \$100.</p> <p>Once the request is fulfilled and prepared for release, other than for review by the requester, for which no fee is chargeable, the College requires payment of the fees prior to release of the record.</p>
65 P.S. Sec. 67.1307(f)	<p>The College may waive duplication fees when the requester duplicates the record or the Open Records Officer deems it is in the public interest to do so. Such waiver of fees is solely at the discretion of the Open Records Officer, and waivers of fees shall be considered on a case-by-case basis. A waiver of fees in one instance shall not create a precedent, pattern or practice for waiver of any other fees and does not create future entitlement to fee waivers for that or any other entity.</p> <p><u>Response to Request</u></p> <p>College employees are directed to immediately forward requests they may receive for access to public records to the Open Records Officer.</p>
65 P.S. Sec. 67.901	<p>Upon receipt of a written request for access to a record, the Open Records Officer, or designee, shall make a good faith effort to determine if the requested record is a public record and if the College has possession, custody or control of that record.</p>
65 P.S. Sec. 67.901	<p>The Open Records Officer, or designee, shall respond as promptly as possible under the existing circumstances, and the initial response time shall not exceed five (5) business days from the date the written request is received by the Open Records Officer, or designee. This five (5) day calculation starts on the day following the day the request is actually received by the Open Records Officer, or designee. The five (5) days also encompasses only business weekdays; weekends and governmental holidays are not counted for the five (5) or thirty (30) day timeframes, as provided herein and below.</p> <p>The initial response shall either (1) grant access to the requested record; (2) deny access to the requested record; (3) partially grant and partially deny access to the requested record (either through selective permission and/or redaction; (4) or notify the requester of the need for an extension of time to fully respond.</p>
65 P.S. Sec. 67.901	<p>If the College fails to send the response to a request within five (5) business days of receipt by the Open Records Officer, or designee, the request for access shall be deemed denied.</p>

<p>65 P.S. Sec. 67.902</p>	<p><u>Extension Of Time</u></p> <p>If the Open Records Officer, or designee, determines that an extension of time is required to respond to a request, in accordance with factors stated in law, and/or because more time is needed to assess the request, written notice shall be sent within five (5) business days of receipt of the request. The notice shall indicate that the request for access is being reviewed, the reason that the review requires an extension, a reasonable date when the response is expected, and an estimate of applicable fees owed when the record becomes available.</p> <p>One thirty (30) day extension does not require the consent of the requester. A requester may consent in writing to an extension in time that exceeds thirty (30) days.</p>
<p>65 P.S. Sec. 67.701(a)</p>	<p><u>Granting a Request</u></p> <p>If the Open Records Officer, or designee, determines that the request will be granted, the response shall inform the requester that access is granted and either include information on the regular business hours of the Open Records Officer, provide electronic access, or state where the requester may go to inspect the records or information electronically at a publically accessible site. The response shall include: a statement that prepayment of fees is required, and what the fees shall be.</p>
<p>65 P.S. Sec. 67.704(b)</p>	<p>A public record shall be provided to the requester in the medium requested if it exists in that form; otherwise, it shall be provided in its existing medium. However, the College is not required to permit use of its computers to a Requester.</p> <p>The Open Records Officer, or designee, may respond to a records request by notifying the requester that the record is available through publicly accessible electronic means and/or that the College shall provide access to inspect the record electronically. If the requester, within thirty (30) days following receipt of the College's notice, submits a written request to have the record converted to paper, the College shall provide access in printed form within five (5) days of receipt of the request for conversion to paper, and an appropriate fee will be assigned. If the record is only maintained electronically or in other non-paper media, the fee will be the fees charged for photocopies.</p>
<p>65 P.S. Sec. 506(a)</p>	<p>In the event a requested public record is not in the College's possession, but is held by a party with whom the College has contracted to perform a governmental function on behalf of the College, and the record is not otherwise exempt, the Open Records Officer shall advise the requester that an extension of time to respond is necessary and shall proceed to promptly secure the public record from the party possessing the record. Any chargeable fees collected shall be remitted to the party from whom the record is received.</p>

	<p>The College shall require contractually any party performing a governmental function on behalf of the College to comply with the College's request for the public record in a timely manner.</p>
<p>65 P.S. Sec. 67.706</p>	<p>If the Open Records Officer, or designee, determines that a public record contains information both subject to and not subject to access, the Open Records Officer, or designee, shall grant access to the information subject to access and deny access to the information not subject to access. The Open Records Officer, or designee, shall redact or remove from the record the information that is not subject to access.</p>
<p>65 P.S. Sec. 67.905</p>	<p>If the Open Records Officer, or designee, responds to a Requester that a copy of the requested record is available for delivery at the Open Records Officer's office and the requester does not retrieve the record within sixty (60) days of the College's response, the College shall dispose of the copy and retain any fees paid to date.</p>
<p>65 P.S. Sec. 506(c)</p>	<p>The Right-to-Know Officer, after consultation with the College President, may make an otherwise exempt record accessible for inspection and copying if all of the following apply: (1) Disclosure of the record is not prohibited under any (i) Federal or State law or regulation or (ii) Judicial order or decree; (2) the record is not protected by a privilege; and (3) the College President determines that the public interest favoring access outweighs any individual, agency or public interest that may favor restriction of access.</p>
	<p><u>Notification to Third Parties</u></p>
<p>65 P.S. Sec. 67.707(a)</p>	<p>When the College produces a record that is not a public record in response to a request, the Open Records Officer, or designee, shall notify any third party who provided the record, in addition to the person who is the subject of the request, and the Requester.</p>
<p>65 P.S. Sec. 707(b)</p>	<p>The Right-to-Know Officer shall notify a third party in writing of a record request within five (5) business days of receipt of the record request if the third party provided the record with a written statement signed by the third party that the record contains a trade secret or confidential proprietary information. If a record has been previously designated as containing a trade secret or confidential proprietary information, written notice of the need for an extension of time should be provided to the requester. The written notice to the third party shall advise that the third party has five (5) business days from the date the third party receives notification from the College to provide input on the release of the record.</p> <p>If a record has been previously designated as containing a trade secret or confidential proprietary information, access to that portion of the record shall ordinarily be denied unless the third party consents in writing to the release of the previously</p>

<p>65 P.S. Sec. 67.901, 67.902(b)(2)</p>	<p>designated trade secret or confidential proprietary information. Release of information previously designated as containing a trade secret or confidential proprietary information should only be made after review by the College’s solicitor.</p> <p><u>Denial Of Request</u></p> <p>If the Open Records Officer, or designee, denies a request for access to a record, whether in whole or in part, a written response shall be sent within the timeframe provided by this Policy and the Law:: within five (5) business days of receipt of the request, or within the thirty (30) day extension provided by statute, or within the extended time, exceeding thirty (30) days, as agreed upon between the College and the Requester. The response denying the request shall include the following:</p> <ol style="list-style-type: none"> 1. Description of the record requested. 2. Specific reasons for denial, including a citation of supporting legal authority. 3. Name, title, business address, business telephone number, and signature of the Open Records Officer, or designee, on whose authority the denial is issued. 4. Date of the response. 5. Procedure for the requester to appeal a denial of access. <p><u>Appeal of Denial</u></p> <p>If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the Pennsylvania Office of Open Records within fifteen (15) business days of the mailing date of the Open Records Officer’s response or deemed denial.</p> <p><u>Conflict</u></p> <p>In the event of a conflict between these Regulations and Policies, and the Law, the Law shall prevail.</p>
<p>65 P.S. Sec. 67.1101</p>	<p>If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the Pennsylvania Office of Open Records within fifteen (15) business days of the mailing date of the Open Records Officer’s response or deemed denial.</p> <p><u>Conflict</u></p> <p>In the event of a conflict between these Regulations and Policies, and the Law, the Law shall prevail.</p>