

SECTION 2: POLICY MANUAL
5. Operations

TITLE: Right-to-Know
ADOPTED: February 2, 2017 (Resolution 52.35)
REVISED:

Right-to-Know

Purpose

The College recognizes it is a Commonwealth Agency as defined in Pennsylvania's Right to Know Law ("RTKL") providing for access to public information. This policy is adopted pursuant to 65 P.S. § 67.504. The College shall make the public records of the College available for public access, subject to certain exceptions as set forth in the RTKL.

Guidelines

Open Records Officer

The College shall designate an Open Records Officer, who shall be responsible to:

- (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 requested record exists, is a public record, and whether the College has possession, custody, or control of the record.
- (4) Review and respond to written requests consistent with the RTKL.
- (5) Direct records requests to appropriate staff of the College or to third parties, consistent with the RTKL.
- (6) Track the College's progress in responding to requests.
- (7) Issue interim and final responses to requests.
- (8) Maintain a log of all record requests and their disposition.
- (9) Review and study the RTKL, seek training as needed, and train College staff to perform assigned job functions relative to requests for access and response thereto.
- (10) In concert with the administration of the College, make recommendations to the Board of Trustees regarding a fee schedule and adopting standard forms.

Upon receiving a request for access to a record, the Open Records Officer shall:

- (1) Note the date of receipt on the written request.
- (2) Compute and note on the written request the day on which the five business day period for response will expire.
- (3) Determine if additional time may and should be requested to respond as provided for under the Right-to-Know law and, if so, notify the requester of the same.
- (4) Calendar the day on which the five business day period for response will expire.
- (5) Maintain an electronic or paper copy of the written request, including all documents submitted with the request, until the request has been fulfilled.
- (6) If a written request is denied, track the request status until the time for appeal has expired, or until the conclusion of any appeal.

General

Requesters may access, inspect, and procure copies of the College's public records during the regular business hours of the administration offices by appointment through the Open Records Officer at the Main Campus – 4525 Education Park Drive, Schnecksville, PA 18078 (Telephone 610-799-1121). Business days exclude Saturday and Sunday and a weekday when the College is closed for business, including but not limited to holidays.

A requester's right of 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. The College will use its best reasonable efforts to accommodate requesters with special needs.

The College shall not limit the number of records requested. When responding to a request for records, 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.

The College shall deny a requester access to a record if the requester has made repeated requests for the 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.

Contact Information

The College shall post the name of the Open Records Officer on its website and at each campus, 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.

Requests

Requests for access to a public record shall be in writing, submitted on the College's form, and must be addressed to the Open Records Officer. If a requester chooses not to use the request form, the request must clearly indicate that it is seeking public records under the RTKL. Verbal or anonymous verbal or written requests will not be honored. Written requests may be submitted to the College in person, by mail, facsimile, or email as indicated on the College web site. Each request must include the following information:

- (1) Identification or description of the requested record, in sufficient detail, such that the record(s) may be identified with specificity
- (2) The medium in which the record is requested
- (3) The name and address of the individual to receive the response.

Failure to provide this information may result in a denial, deemed denial, or delay in response. 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.

The College receives the request on the business day the Open Records Officer receives the request. Any request that is received by the College after the close of regular business hours shall be deemed to be received on the next business day. If the request is received by a College employee other than the Open Records Officer, the request will be forwarded to the Open Records officer as soon as practicable.

Fees

The Open Records Officer shall establish and keep current a list of reasonable fees which shall be no more than the fee structure established by the Pennsylvania Office of Open Records. The College shall maintain a list of applicable fees and disseminate the list to Requesters upon request. Prior to granting access, the College may require prepayment of estimated fees when the fees required to fulfill the requested are expected to exceed \$100.00. 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 individual or entity.

Response to Request

The Open Records officer shall provide a response to a request for records within five business days. If an extension of time is required, the Open Records Officer will notify the requester in writing pursuant to 65 P.S. § 67.902. The College may ask a requester to agree to extend the response period beyond 30 days.

The College may grant a request, partially grant and partially deny a request, or deny a request. The final response of the College will be in writing. Should the College fail to issue a response within the applicable response period, the request is deemed denied.

When a request is granted, the College will either send the record, or provide information on how the requester may access the record, including electronic access or a location where the requester may inspect the records. If appropriate to the request, the response will include a statement that prepayment of fees is required in a specified amount if access will cost more than \$100.00, and the medium in which the records will be provided.

If the College has granted electronic access to records, the requester may, within thirty days following receipt of the College's response, submit a written request to have the record converted to paper. The College shall provide paper copies following payment of applicable fees. If a requester does not retrieve copies of requested records within sixty days following the College's response, the College shall dispose of the copies and retain any fees paid.

The College may deny or partially deny a request for records. The response will inform the requester of the reason for denial. Information shall be provided on the process to file an appeal of the denial.

(In the event of a conflict between this policy and the RTKL, the RTKL shall prevail.)

