

West Chester Borough

Access to Public Records Policy

Adopted December 17, 2008

The purpose of this policy is to comply with the Pennsylvania Right-to-Know Law, Act 3 of 2008, as amended, 65 P.S. §67.101 et seq. (the "Act"), to provide access to public records of West Chester Borough, to preserve the integrity of Borough records, and to minimize the financial impact to the residents of the West Chester regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

The Borough of West Chester may 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 Borough of West Chester. Borough Council designates the Borough Manager as the Open Records Officer for Borough records and the Police Chief as the Open Records Officer for Police records responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines:

1. The Open Records Officer may designate certain employee(s) to process public record requests.
2. The Open Records Officer is responsible for minimizing, where possible, the financial impact to the Borough of West Chester regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.
3. All requests for public records of the Borough of West Chester under this policy shall be specific in identifying and describing each public record requested. In no case shall the Borough of West Chester 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 Borough of West Chester does not currently compile, maintain, format or organize the public record. Requests for public records not submitted in writing shall not be subject to appeal if the request is denied.
4. The Open Records Officer shall make a good faith effort to determine whether each record requested is a public record in accord with the Act.
5. The Open Records Officer shall facilitate a reasonable response to a request for Borough of West Chester public records. In no case is the Borough of West Chester expected to provide extraordinary staff to respond to the request, but will respond in a manner consistent with Borough of West Chester administrative responsibilities and consistent with the requirements of the Act.
6. The Borough shall respond to the requester within five (5) business days

from the date of receipt of the written request. If the Borough of West Chester does not respond within five (5) business days of receipt thereof, the request is deemed denied.

7. The response provided by the Borough of West Chester shall consist of (1) approval for access to the public record; (2) an extension of time to respond to the request for the reasons specified in the Act; or (3) denial of access to the record requested.
8. If access to the public record requested is approved, the public record shall be available for access during the regular business hours of the Borough of West Chester. The designated employee shall cooperate fully with the requester, while also taking reasonable measures to protect the Borough of West Chester's public records from the possibility of theft and/or modification. The presence of a designated employee may be required when public records are examined and inspected.
9. Fees for duplication of public records shall be as follows:
 - (a) Photocopying: 25 cents (\$0.25) per page.
 - (b) Duplication of public electronic and/or tape records: actual cost to the Borough of West Chester of duplicating the public record.
 - (c) Certified copies: \$1.00 per page.
 - (d) Postage: actual cost to the Borough of West Chester of mailing the public record.

The Borough of West Chester may in its discretion waive fees when the requester duplicates the record or where deemed in the public interest.
10. In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed \$100.00, the Borough may require the requester to pay an estimate of the fee in advance.
11. If the request is being reviewed, the notice provided by the Borough of West Chester 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 review. If the Borough of West Chester 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 as, for example, for the purpose of determining whether the record requested is a public record;
 - (e) The requester has failed to comply with the Borough of West Chester's policy and procedure requirements;
 - (f) The requester refuses to pay the applicable fees; or
 - (g) The extent or nature of the request precludes a response within the required time period.
12. If access to the record requested is denied, the notice provided by the Borough of West Chester shall be in writing, describe the record requested, specify the reasons for denial, provide contact information for the Open Records Officer, date of response and outline the appeals process.
 13. If the request is denied or deemed denied, the requester may file an appeal with the Pennsylvania Office of Open Records or the applicable appeals officer within 15 business days of the mailing date of the Borough's response or the deemed denial.
 14. This policy shall take effect on January 1, 2009.