

ELIZABETHTOWN BOROUGH
PUBLIC RECORDS INSPECTION AND DUPLICATION POLICY

In accordance with the Pennsylvania Right-to-Know Law, Act of February 14, 2008, No. 3, hereinafter referred to as the “Law”, the following is the policy for requests for inspection and duplication of public records of Elizabethtown Borough.

I. SUBMISSION OF REQUEST.

All requests to inspect or duplicate public records of the Authority shall be presented to:

Open Records Officer
Elizabethtown Borough
600 South Hanover Street
Elizabethtown, PA 17022

Requests may be made in person at the Borough Office at 600 South Hanover Street, Elizabethtown, Pennsylvania, during normal business hours (Mondays through Fridays from 7:30 a.m. until 4:00 p.m.); by mail to 600 South Hanover Street, Elizabethtown, PA 17022; or fax to (717) 367-6800; or by e-mail to boro@etownonline.com.

Requests may be made in writing. The Borough has prepared a form to assist in processing requests.

All requests for inspection and/or duplication of public records must provide sufficient and specific information to allow the Borough staff to identify the requested records.. The following information is the minimum necessary to enable the Borough staff to identify the public records sought:

1. Type of record, e..g. resolution, meeting minutes, permit, contract, etc.
2. Approximate date of record, e.g. minutes of the Council meeting of January, 2009. The approximate date of the record must be within three to six months of the actual date of the record. The Borough cannot respond to requests which state that the record was created within a multi-year period.
3. If applicable, subject matter of record, e.g. sewage system resolution, contract, permit for specific property, etc
4. If the requestor desires a written response or mailing of information, name and address to which the Borough should address a response to the request.

5. Whether the requester desires to inspect or whether the requestor desires a copy of the document. If the requestor desires a copy of the document, specify the preferred media or format.

The Borough is not required to and will not compile lists, prepare summaries, or create documents that do not exist. The Borough will provide access to and duplication of existing Borough records which are public records under the Right-to-Know Law.

The Borough recognizes its obligation to make public records available to any legal resident of the United States. The Borough acknowledges that it may not deny a request for access to a public record on the basis of the intended use of the public record on the basis of the intended use of the public record, and the Borough will not require any person to disclose his or her purpose or motive in requesting access to a public record.

II. CONSIDERATION OF REQUEST FOR INSPECTION OF PUBLIC RECORDS.

The Borough shall make a good faith effort to respond to any request for inspection and/or duplication of public records as promptly as possible. Unless circumstances prevent, the Borough will respond to a written request for a public record within five (5) Business days from the date it is received. Any request for a public record submitted within one hour of the close of business shall be considered received on the following business day.

If the requester has provided his/her name and address, the Borough shall send written notice to the requestor within five (5) business days from the receipt of the request if the Borough determines that any of the following are applicable to the request:

1. The request requires a redaction of the record. Records will be redacted if they contain information which is not subject to public access as well as information which constitutes a public record.
2. The request requires retrieval of records stored outside of the Borough offices.
3. The Borough cannot respond due to a specific staffing issue. For example, the Borough staff is limited, and if the Borough Secretary is on vacation it may not be possible to respond within five (5) business days.
4. The Borough believes that it is necessary to consult with the Borough Solicitor to determine whether the requested record is a public record under the Right-to-Know Law.
5. The requestor has not complied with Borough Policies concerning access to

public records.

6. The requestor has refused to pay any applicable fee.

7. The extent or nature of the request precludes a response within the required time period.

If the Borough cannot respond within five (5) business days to a request, the Borough will provide the reason why response is delayed, estimated date by which it anticipates it may make response, and an estimate of any fees.

If the requester desires to remain anonymous, the Borough shall provide such information when the requester returns to the Borough Office.

III. FEES

Any person who requests the duplication of public records shall pay for the duplication in accordance with the Borough's adopted fee schedule or with the fees established by the Office of Open Records. If the Borough estimates that the cost to fulfill the request will exceed \$100.00, the Borough will require prepayment of the fee prior to granting a request for access.

IV. RESPONSE TO REQUEST FOR A PUBLIC RECORD.

The Right-to-know Law does not require the Borough to compile lists, prepare summaries, or create documents that do not exist. The Borough will provide access to and duplication of only existing Borough records which are public records under the Right-to-Know Law.

If the Borough determines that the record requested is a public record, the Borough will Allow its inspection or will notify the requester that the record is availableelectronically through public accessible means, providing the internet address at which such record is available, or will provide a copy of the record in the format requested if the Borough has the capability to produce such a format. If the Borough does not have the capability to Duplicate the public record in the format requested, the Borough will provide a paper copy of the record. If the requestor is unwilling or unable to access the record electronically, the requestor may, within 30 days, submit a written request for a paper copy of such record.

If the Borough informs the requester that copies of the requested records are available at the Borough Office and the requester fails to retrieve the records within sixty (60) days of the Borough's response, the Borough may dispose of the copies and retain all fees.

If the Borough denies a written request to inspect and/or duplicate records in whole or in part, the Borough shall provide a written denial. This written denial will identify the record and the specific reason for the denial of the request, including a citation to

supporting authority. The written response shall also include the name, title, business address, business telephone number and signature of the Open-Records Officer who has denied the request, the date of the denial, and the procedure to appeal the denial.

V. APPEAL FROM DENIAL OF REQUEST FOR INSPECTION OR COPYING OF RECORDS.

The Law provides that a requester who disagrees with a denial of his or her written request for inspection and/or duplication of records may file an appeal to

Commonwealth of Pennsylvania
Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17120-0225

Pursuant to Section 1101(a) of the Law, the appeal must be in writing; must be filed within fifteen (15) business days of the date of the Borough's response or date of a deemed denial; must state the grounds on which the requester asserts that the record is a public record; and must address any grounds stated by the Borough in denying the request.