

POLICY REGARDING ACCESS TO PUBLIC RECORDS

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POLICY REGARDING ACCESS TO PUBLIC RECORDS

SCOPE OF POLICY:

This Policy addresses requests for access to public records of Westmoreland County pursuant to authority of the Pennsylvania Right-to-Know Law, Act 3 of 2008. Certain records maintained by Westmoreland County officials are covered by other Federal or State statutes or regulations, in which case the provisions of the Right-to-Know Law may not apply.

1. DEFINITIONS: (Source: PA Right-to-Know Law)

Confidential proprietary information: Commercial or financial information received by an agency:

- (1) which is privileged or confidential; and
- (2) the disclosure of which would cause substantial harm to the competitive position of the person that submitted the information.

Financial record: Any of the following:

- (1) Any account, voucher or contract dealing with:
 - (i) the receipt or disbursement of funds by an agency; or
 - (ii) an agency's acquisition, use or disposal of services, supplies, materials, equipment or property.
- (2) The salary or other payments or expenses paid to an officer or employee of an agency, including the name and title of the officer or employee.
- (3) A financial audit report. The term does not include work papers underlying an audit.

Personal financial information: An individual's personal credit, charge or debit card information; bank account information; bank, credit or financial statements; account or PIN numbers and other information relating to an individual's personal finances.

Privilege: The attorney-work product doctrine, the attorney-client privilege, the doctor-patient privilege, the speech and debate privilege or other privilege recognized by a court interpreting the laws of this Commonwealth.

Public record: A record, including a financial record, of a Commonwealth or local agency that:

- (1) is not exempt under Section 708 of the Right-to-Know Law;
- (2) is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or
- (3) is not protected by a privilege.

Record: Information, regardless of physical form or characteristics, that documents a transaction or activity of an agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency. The term includes 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.

Requester: A person that is a legal resident of the United States and requests a record pursuant to the Pennsylvania “Right-to-Know Law” [Act 3 of 2008]. The term includes an agency.

Response: Access to a record or the County’s written notice to a requester granting, denying or partially granting and partially denying access to a record.

Social services: Cash assistance and other welfare benefits, medical, mental and other health care services, drug and alcohol treatment, adoption services, vocational services and training, occupational training, education services, counseling services, workers’ compensation services and unemployment compensation services, foster care services, services for the elderly, services for individuals with disabilities and services for victims of crimes and domestic violence.

2. EXCEPTIONS FOR PUBLIC RECORDS:

A. Under Section 708 of the Right-to-Know Act, the following are exempt from access:

- (1) A record, the disclosure of which:
 - (i) would result in the **loss of Federal or State funds**, or
 - (ii) would be reasonably likely to result in a substantial and demonstrable risk of **physical harm** to or the **personal security** of an individual.

- (2) A record maintained in connection with the military, homeland security, national defense, law enforcement or other public safety activity that, if disclosed, would be reasonably likely to jeopardize or threaten **public safety** or preparedness or public protection activity or a record that is designated classified by an appropriate Federal or State military authority.

- (3) A record, the disclosure of which creates a reasonable likelihood of endangering the **safety** or the **physical security of a building, public utility, resource, infrastructure, facility or information storage system**, which may include:
 - (i) documents or data relating to computer hardware, source files, software and system networks that could jeopardize **computer security** by exposing a vulnerability in preventing, protecting against, mitigating or responding to a terrorist act;
 - (ii) lists of **infrastructure, resources and significant special events**, including those defined by the Federal Government in the National Infrastructure Protections, which are deemed critical due to their nature and which result from risk analysis; threat assessments; consequences assessments; antiterrorism protective measures and plans; counterterrorism measures and plans; and security and response needs assessments; and
 - (iii) building plans or infrastructure records that expose or create vulnerability through disclosure of the location, configuration or **security of critical systems**, including public utility systems, structural elements, technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage and gas systems.

(4) A record regarding computer hardware, software and networks, including administrative or technical records, which, if disclosed, would be reasonably likely to **jeopardize computer security**.

(5) A record of an **individual's medical, psychiatric or psychological history or disability status**, including an evaluation, consultation, prescription, diagnosis or treatment; results of tests, including drug tests; enrollment in a health care program or program designed for participation by persons with disabilities, including vocation rehabilitation, workers' compensation and unemployment compensation; or related information that would disclose individually identifiable health information.

(6) (i) The following **personal identification information**:

(A) A record containing all or part of a person's Social Security Number; driver's license number; personal financial information; home, cellular or personal telephone numbers; personal Email addresses; employee number or other confidential personal identification number.

(B) A spouse's name; marital status, beneficiary or dependent information.

(C) The home address of a law enforcement officer or judge.

(ii) Nothing in this paragraph shall preclude the release of the name, position, salary, actual compensation or other payments or expenses, employment contract, employment-related contract or agreement and length of service of a public official or an agency employee.

(iii) An agency may redact the name or other identifying information relating to an individual performing an under cover or covert law enforcement activity from a record.

(7) The following records relating to an **agency employee**:

(i) A **letter of reference** or recommendation pertaining to the character or qualifications of an identifiable individual, unless it was prepared in relation to the appointment of an individual to fill a vacancy in an elected office or an appointed office requiring Senate confirmation.

(ii) A **performance rating** or review.

(iii) The result of a **civil service or similar test** administered by a Commonwealth agency, legislative agency or judicial agency. The result of a civil service or similar test administered by a local agency shall not be disclosed if restricted by a collective bargaining agreement. Only test scores of individuals who obtained a passing score on a test administered by a local agency may be disclosed.

(iv) The **employment application** of an individual who is **not hired** by the agency.

(v) Workplace **support services** program information.

(vi) Written **criticisms** of an employee.

(vii) **Grievance material**, including documents related to discrimination or sexual harassment.

(viii) Information regarding **discipline, demotion or discharge** contained in a personnel file. This subparagraph shall not apply to the final action of an agency

that results in demotion or discharge.

(ix) An **academic transcript**.

(8) (i) A record pertaining to **strategy or negotiations relating to labor relations or collective bargaining and related arbitration proceedings**. This subparagraph shall not apply to a final or executed contract or agreement between the parties in a collective bargaining procedure.

(ii) In the case of the arbitration of a dispute or grievance under a collective bargaining agreement, an **exhibit entered into evidence** at an arbitration proceeding, a transcript of the arbitration or the opinion. This subparagraph shall **not** apply to the **final award or order** of the arbitrator in a dispute or grievance procedure.

(9) The **draft** of a bill, resolution, regulation, statement of policy, management directive, ordinance or amendment thereto prepared by or for an agency.

(10) (i) A record that reflects:

(A) The **internal, predecisional deliberations** of an agency, its members, employees or officials or predecisional deliberations between agency members, employees or officials and members, employees or officials of another agency, including predecisional deliberations relating to a budget recommendation, legislative proposal, legislative amendment, contemplated or proposed policy or course of action or any research, memos or other documents used in the predecisional deliberations.

(B) The **strategy** to be used to develop or achieve the successful adoption of a budget, legislative proposal or regulation.

(ii) Subparagraph (i)(A) shall apply to agencies subject to 65 Pa.C.S. Ch. 7 (relating to open meetings) in a manner consistent with 65 Pa.C.S. Ch. 7. A record which is not otherwise exempt from access under this act and which is presented to a quorum for deliberation in accordance with 65 Pa.C.S. Ch. 7 shall be a public record.

(iii) This paragraph shall not apply to a written or Internet application or other document that has been submitted to request Commonwealth funds.

(iv) This paragraph shall not apply to the results of public opinion surveys, polls, focus groups, marketing research or similar effort designed to measure public opinion.

(11) A record that constitutes or reveals a **trade secret** or **confidential proprietary information**.

(12) **Notes and working papers** prepared by or for a public official or agency employee used solely for that official's or employee's own personal use, including telephone message slips, routing slips and other materials that do not have an official purpose.

(13) Records that would disclose the **identity** of an individual who lawfully makes a **donation** to an agency unless the donation is intended for or restricted to providing

remuneration or personal tangible benefit to a named public official or employee of the agency, including lists of potential donors compiled by an agency to pursue donations, donor profile information or personal identifying information relating to a donor.

(14) Unpublished **lecture notes**, unpublished **manuscripts**, unpublished **articles**, creative works in progress, research-related material and scholarly correspondence of a community college or an institution of the State System of Higher Education or a faculty member, staff employee, guest speaker or student thereof.

(15) (i) **Academic transcripts**.

(ii) **Examinations**, examination questions, scoring keys or answers to examinations. This subparagraph shall include licensing and other examinations relating to the qualifications of an individual and to examinations given in primary and secondary schools and institutions of higher education.

(16) A record of an agency relating to or resulting in a **criminal investigation**, including:

(i) **Complaints** of potential criminal conduct other than a private criminal complaint.

(ii) **Investigative materials**, notes, correspondence, videos and reports.

(iii) A record that includes the **identity of a confidential source** or the identity of a **suspect** who has not been charged with an offense to whom confidentiality has been promised.

(iv) A record that includes **information made confidential by law or court order**.

(v) **Victim information**, including any information that would jeopardize the safety of the victim.

(vi) A record that, if disclosed, would do any of the following:

(A) Reveal the institution, progress or result of a criminal investigation, except the filing of criminal charges.

(B) Deprive a person of the right to a fair trial or an impartial adjudication.

(C) Impair the ability to locate a defendant or codefendant.

(D) Hinder an agency's ability to secure an arrest, prosecution or conviction.

(E) Endanger the life or physical safety of an individual.

This paragraph shall **not** apply to information contained in a **police blotter** as defined in 18 Pa.C.S. §9102 (relating to definitions) and utilized or maintained by the Pennsylvania State Police, local, campus, transit or port authority police department or other law enforcement agency or in a traffic report except as provided under 75 Pa.C.S. §3754(b) (relating to accident prevention investigations).

(17) A record of an agency relating to a **noncriminal investigation**, including:

(i) **Complaints** submitted to an agency.

(ii) **Investigative materials**, notes, correspondence and reports.

(iii) A record that includes the **identity of a confidential source**, including

individuals subject to the Act of December 12, 1986 (P.L. 1559, No. 169), known as the Whistleblower Law.

(iv) A record that includes **information made confidential by law**.

(v) **Work papers** underlying an **audit**.

(vi) A record that, if disclosed, would do any of the following:

(A) Reveal the institution, progress or result of an agency investigation, except the imposition of a fine or civil penalty, the suspension, modification or revocation of a license, permit, registration, certification or similar authorization issued by an agency or an executed settlement agreement unless the agreement is determined to be confidential by a court.

(B) Deprive a person of the right to an impartial adjudication.

(C) Constitute an unwarranted invasion of privacy.

(D) Hinder an agency's ability to secure an administrative or civil sanction.

(E) Endanger the life or physical safety of an individual.

(18) (i) Records or parts of records, **except time response logs**, pertaining to audio recordings, telephone or radio transmissions received by emergency dispatch personnel, including **911 recordings**.

(ii) This paragraph shall not apply to a 911 recording, or a transcript of a 911 recording, if the agency or a court determines that the public interest in disclosure outweighs the interest in nondisclosure.

(19) **DNA and RNA records**.

(20) An **autopsy record** of a coroner or medical examiner and any audiotape of a postmortem examination or autopsy, or a copy, reproduction or facsimile of an autopsy report, a photograph, negative or print, including a photograph or videotape of the body or any portion of the body of a deceased person at the scene of death or in the course of a postmortem examination or autopsy taken or made by or caused to be taken or made by the coroner or medical examiner. This exception shall not limit the reporting of the name of the deceased individual and the cause and manner of death.

(21) (i) **Draft minutes** of any meeting of an agency until the next regularly scheduled meeting of the agency.

(ii) Minutes of an **executive session** and any record of discussions held in executive session.

(22) (i) The contents of **real estate appraisals, engineering or feasibility estimates, environmental reviews, audits or evaluations** made for or by an agency relative to the following:

(A) The leasing, acquiring or disposing of real property or an interest in real property.

(B) The purchase of public supplies or equipment included in the real estate transaction.

(C) Construction projects.

(ii) This paragraph shall not apply once the decision is made to proceed with the lease, acquisition or disposal of real property or an interest in real property or the purchase of public supply or construction project.

(23) **Library** and archive **circulation and order records** of an identifiable individual or groups of individuals.

(24) Library archived and **museum materials**, or valuable or **rare book collections** or documents contributed by gift, grant, bequest or devise, to the extent of any limitations imposed by the donor as a **condition of the contribution**.

(25) A record identifying the location of an **archeological site** or an **endangered or threatened plant or animal species** if not already known to the general public.

(26) A **proposal** pertaining to agency procurement or disposal of supplies, services or construction **prior to the award of the contract** or prior to the opening and rejection of all bids; **financial information of a bidder** or offeror requested in an invitation for bid or request for proposals to demonstrate the bidder's or offeror's economic capability; or the identity of members, notes and other records of agency proposal evaluation committees established under 62 Pa.C.S. §513 (relating to competitive sealed proposals).

(27) A record or information relating to a **communication** between an agency and its **insurance carrier**, administrative service organization or **risk management office**. This paragraph shall not apply to a contract with an insurance carrier, administrative service organization or risk management office or to financial records relating to the provision of insurance.

(28) A record or information:

(i) identifying an **individual** who applies for or receives **social services**; or

(ii) relating to the following:

(A) the **type of social services** received by an individual;

(B) an **individual's application** to receive social services, including a record or information related to an **agency decision** to grant, deny, reduce or restrict benefits, including a quasi-judicial decision of the agency and the **identity of a caregiver** or others who provide services to the individual; or

(C) **eligibility to receive social services**, including the individual's income, assets, physical or mental health, age, disability, family circumstances or record of abuse.

(29) **Correspondence between a person and a member of the General Assembly** and records accompanying the correspondence which would identify a person that requests assistance or constituent services. This paragraph shall not apply to correspondence between a member of the General Assembly and a principal or lobbyist under 65 Pa.C.S. Ch. 13A (relating to lobbyist disclosure).

(30) A record identifying the **name, home address or date of birth of a child** 17

years of age or younger.

3. OPEN RECORDS OFFICER:

A. The County of Westmoreland has designated as Open Records Officer:

Ms. Lucy Yakulis
40 North Pennsylvania Avenue
Greensburg, PA 15601
Telephone (724) 830-3467
Fax (724) 830-3684
records@co.westmoreland.pa.us

B. The Open Records Officer receives requests submitted to the County under the Right-to-Know Law, directs requests to other appropriate persons within the County or to appropriate persons in another agency, tracks the County's progress in responding to requests and issues interim and final responses as required under the Right-to-Know Law.

C. Upon receipt of a written open records request, the Open Records Officer shall:

- 1) Note the date of receipt on the written request.
- 2) Compute the day on which the five-day period for issuance of a response will expire and make a notation of that date on the written request.
- 3) Maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been fulfilled. If the request is denied, the written request shall be maintained for 30 days, or if an appeal is filed, until a final determination is issued or the appeal is denied.

4. PROCEDURE FOR ACCESS TO PUBLIC RECORDS:

A. General Rules:

- 1) Unless otherwise provided by law, a public record shall be accessible for inspection and duplication by a requester in accordance with the Right-to-Know Law.
- 2) A public record shall be provided to a requester in the medium requested if the public record exists in that medium; otherwise, it shall be provided in the medium in which it exists.
- 3) Public records shall be available for access during the County's regular business hours (8:30 A.M. – 4:00 P.M. Monday through Friday, excluding holidays or days when County offices are closed due to severe weather, other disaster or emergency).

B. Submission of Requests:

- 1) Requests for inspection or duplication of a record shall be submitted to the County Open Records Officer:

Ms. Lucy Yakulis, Open Records Officer
40 North Pennsylvania Avenue
Greensburg, PA 15601
Telephone (724) 830-3467
Fax (724) 830-3684
records@co.westmoreland.pa.us

Other county employees who receive a written record request are directed to promptly forward the request to the Open Records Officer.

The Westmoreland County internet web site contains a page for submitting record requests to the Open Records Officer. www.co.westmoreland.pa.us/openrecords

2) Requests for inspection or duplication of a record shall be submitted in writing on the County's Record Request form or the uniform record request form available on the Pennsylvania Office of Open Records internet web site. <http://openrecords.state.pa.us>

3) Requests for financial records of the Unified Judicial System (UJS) shall be submitted to the appropriate judicial open records officer:

UJS Office
Court of Common Pleas
Magisterial District Justice Courts
Court Administration
Law Library

Rule 509 Contact
Court Administrator
2 North Main Street
Greensburg, PA 15601
Fax (724) 830-3680

Adult Probation & Parole

ATTN: Right-to-Know Officer
2 North Main Street, Suite 204
Greensburg PA 15601
Fax (724) 830-3449

Domestic Relations

ATTN: Right-to-Know Officer
2 North Main Street
3rd Floor
Greensburg PA 15601
Fax (724) 830-3432

Juvenile Probation

ATTN: Right-to-Know Officer
2771 South Grande Boulevard
Greensburg PA 15601
Phone (724) 830-4200
Fax (724) 830-4257

4) Requests for inspection or duplication of a record may be submitted in person, by mail, by facsimile transmission (fax) or by electronic transmission (e-mail). Requests submitted by facsimile transmission (fax) or by electronic transmission (e-mail) that arrive in the office of the County Open Records Officer after normal business hours will

be treated as having been received on the next County business day. Normal business hours are 8:30 a.m. to 4:00 p.m. Monday through Friday, excluding holidays or days when County offices are closed due to severe weather, other disaster or emergency.

5) A written request must identify or describe the record(s) sought with sufficient specificity to enable the Open Records Officer to ascertain which records are being requested.

6) A written request must include the name and address of the requester. The County's response will be addressed to the requester's name and address or to such other name and address as the requester provides along with the request. In accordance with Chapter 7 of the Right-to-Know Law, the County is not required to fulfill anonymous requests for access to records.

7) A written request need not include any explanation of the requester's reason for requesting or intended use of the records unless otherwise required by law. No request for access to a public record may be denied due to the intended use of the public record by the requester unless otherwise provided by law. Where intended use of a record is restricted by law, the requester may be required to complete an affidavit acknowledging that use of the record will be so restricted.

8) There shall be no limitation on the number of public records which may be requested or made available for inspection or duplication. However, in accordance with Section 506(a)(1) of the Right-to-Know Law, the County may deny 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 County.

5. RESPONSE TO WRITTEN REQUEST FOR ACCESS:

A. General Rule:

1) Upon receipt of a written request for access to a record, the Open Records Officer shall, as promptly as possible under the circumstances existing at the time of the request, determine if the record requested is a public record and whether the County has possession, custody or control of the identified record, and shall provide a response to the requester.

2) Unless one or more of the circumstances under paragraph 5B apply, the response shall be made within five (5) business days from the date the written request is received by the Open Records Officer. For purposes of determining the end of the five (5) business day period, the day that an open records request is received (or deemed received) is not counted. The first day of the five (5) business day period is the County's next business day.

3) If the response grants a request for access, the County shall, upon request, provide the requester with a certified copy of the public record if the requester pays all applicable fees. (See Section 6 Fees)

4) If the Open Records Officer determines that one or more of the exceptions set forth under paragraph 5B applies to a written request for access, the Open Records Officer shall within five (5) business days of receipt of the written request send a written notice to the requester explaining that the request for access is being reviewed, giving the reason for the review and a projected date by which a response to the request is expected to be provided, and an estimate of applicable fees owed when the record becomes available. This projected response date should not extend beyond thirty (30) days after the end of the initial response period unless the requester agrees in writing to a specific extension date longer than the statutory thirty (30) days. [The initial response period is five (5) business days from the date of receipt of the written request.]

B. Exceptions to 5-Business Day Response:

- 1) The request for access requires redaction of a public record.
- 2) The request for access requires the retrieval of a record stored in a remote location.
- 3) A timely response to the request for access cannot be accomplished due to *bona fide* and specified staffing limitations.
- 4) A legal review is necessary to determine whether the record is a public record subject to access under the Right-to-Know Law.
- 5) The requester has not complied with the County's policy regarding access to public records.
- 6) The requester refuses to pay applicable fees authorized by the Right-to-Know Law.
- 7) The extent or nature of the request precludes a response within the required time period.

C. Denial of Request:

- 1) If the Open Records Officer's response to a written request for access is a denial, whether in whole or in part, the denial shall be in writing and shall include the following:
 - a) A description of the record requested.
 - b) The specific reasons for the denial, including a citation of supporting legal authority.
 - c) The name, title, business address, business telephone number and signature of the Open Records Officer on whose authority the denial is issued.

- d) Date of the response.
 - e) The procedure to appeal the denial of access under the Right-to-Know Law.
- 2) If the Open Records Officer fails to send a response or a notice that the request is under review within five (5) business days of receipt by the Open Records Officer of the written request for access, the request shall be deemed denied.
- 3) If the date for providing a response after review of the written request is expected to be in excess of thirty (30) days following the five (5) business day period after the date of receipt of the written request, the request for access shall be deemed denied unless the requester has agreed in writing to an extension to a later date that shall be specified in the notice of review.

D. Special Rules:

- 1) Electronic Access: If access to a public record is routinely available only by electronic means, the Open Records Officer shall provide access to inspect the public record at an office of the County.
- 2) Creation of a Public Record: Under Section 705 of the Right-to-Know Law, in responding to a request for access to records, the County is not required to create a record that does not currently exist, or to compile, maintain, format or organize a record in a manner in which the County does not currently compile, maintain, format or organize the record.
- 3) Conversion of an Electronic Record to Paper: If a record is only maintained electronically or in other non-paper media, the County shall, upon request, duplicate the record on paper when responding to a request for access in accordance with the Right-to-Know Law. A fee for copying records to paper may apply. (See Fee Schedules in Paragraph 6C)
- 4) Redaction: If a requested record contains some information that is subject to access and some information that is not subject to access, the County's response shall grant access to the information that is subject to access, and shall deny access to the information that is not subject to access. If the information that is not subject to access is an integral part of the record and cannot be separated, the County shall redact from the record the information that is not subject to access and grant access to the information that is subject to access. The County shall not deny access to the record if the information that is not subject to access is able to be redacted.
- 5) Disaster or Potential Damage: Under Section 506(b) of the Right-to-Know Law, the County may deny a requester access:
- (i) When timely access is not possible due to fire, flood or other disaster.

- (ii) To historical, ancient or rare documents, records, archives and manuscripts when access may, in the professional judgment of the curator or custodian of records, cause physical damage or irreparable harm to the record.

To the extent possible, the contents of a record shall be made accessible to a requester when the record is physically unavailable due to the above circumstances.

6) Trade Secrets; Confidential Information: Upon receipt of a request for a record containing a trade secret or confidential proprietary information, as declared in a written statement signed by a representative of any third party providing the record to the County, the Open Records Officer shall notify the third party of the request. Notification shall be provided within five business days of receipt of the request for the record. The third party shall have five business days from receipt of the County's notification to provide input on the release of the record. The County shall deny the request for the record or release the record within ten business days of the provision of notice to the third party, and shall notify the third party of the decision.

7) Non-Retrieval of Records: If the County response to a requester states that copies of the requested records are available for delivery at the County's office and the requester fails to retrieve the records within 60 days of the County's response, under Section 905 of the Right-to-Know Law the County may dispose of any copies which have not been retrieved and retain any fees paid to date.

6. FEES:

A. Authorized Fees:

- 1) Postage fees may be charged for the actual cost of mailing.
- 2) Duplication fees may be charged for photocopying, printing from electronic media or microfilm, copying onto electronic media, transmitting by facsimile or other electronic means and other means of duplication. The amount of such fees must be reasonable and based on prevailing fees for comparable duplication services provided by local business entities.
 - a) If a public record is only maintained electronically or in other nonpaper media, duplication fees shall be limited to the lesser of the fee for duplication on paper or the fee for duplication in the native media, unless the requester specifically requests for the public record to be duplicated in the more expensive medium.
- 3) Fees may be charged for official certification of copies when done at the behest of the requester and for the purpose of legally verifying the public record.
- 4) User fees may be charged for providing enhanced electronic access to public records, provided that such enhanced electronic access is in addition to making the public record accessible for inspection and duplication by a requester as required by the Right-to-Know Law. Such user fees may be established as a flat rate, a subscription fee for a period of time, a per-transaction fee, a fee based on the cumulative time of system access, or any

other reasonable method and any combination thereof. Such user fees must be reasonable and may not be established with the intent or effect of excluding persons from access to public records or duplicates thereof or of creating profit for the County.

5) Fees for duplication of public records may be waived at the discretion of the custodian of the public record, including but not limited to when:

- a) the requester duplicates the public record, or
- b) the custodian of the public record deems it is in the public interest to do so.

6) Except as otherwise provided by statute, no other fees may be imposed unless the County necessarily incurs costs for complying with the request, and such fees must be reasonable. No fee may be imposed for the County's review of a record to determine whether the record is a public record subject to access in accordance with the Right-to-Know Law.

B. Time of Payment:

1) Except as provided for under subsection 6B2 and 6B3, the requester shall pay applicable fees for access and duplication of public records upon the Open Records Officer's providing the copies of the requested public records.

2) Prior to granting a request for access to records, the Open Records Officer may require a requester to prepay an estimate of the fees authorized under this policy if the fees required to fulfill the request are expected to exceed one hundred dollars (\$100.00).

3) User fees for enhanced electronic access will normally be paid partially in advance (covering expenses of establishing the enhanced access) and partially through a series of installment payments over the period of time when the enhanced electronic access is being utilized.

C. Fee Schedule:

1. Fees and charges as permitted by the Right-to-Know Act are hereby established by the fee schedule set forth in Schedule B, and may be amended and supplemented by the Board of County Commissioners from time to time in accordance with applicable law.

2. If a separate statute authorizes the County to charge a set amount for a certain type of record, the County shall charge fees in accordance with such other statute.

7. APPEAL OF AGENCY DETERMINATION

If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the Office of Open Records, or the Judicial Appeals Officer or Criminal Investigative Records Appeals Officer within fifteen (15) business days of the mailing date of the

Open Records Officer's written response, or within fifteen (15) business days of a deemed denial. The appeal shall be addressed to:

For County Records:

Terry Mutchler, Executive Director
Office of Open Records
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg PA 17120

For Records of a Westmoreland County Judicial Agency:

Paul Kuntz, Court Administrator
2 North Main Street
Greensburg, PA 15601

For Westmoreland County Criminal Investigative Records:

John Peck, District Attorney
2 North Main Street, Suite 201
Greensburg, PA 15601

Within thirty days of the mailing date of the final determination of the appeals officer, a requester or the County may file a petition for review as required by rule of court with the Westmoreland County Court of Common Pleas. The petition for review shall stay the release of documents until a decision is issued.

8. FORMS

The following approved forms are provided to facilitate a prompt response that includes the information required under the Right-to-Know Law:

Right-to-Know Request Form
Notice of Review of Request Form
Right-to-Know Response Form – Request Granted
Right-to-Know Response Form – Request Denied
Right-to-Know Response Form – Request Granted in part/Denied in part
Rule 509 Request Form (judicial agency financial records)

Forms are set forth in Schedule A

SCHEDULE A

Approved Forms



OPEN RECORDS OFFICER

LUCY YAKULIS, DIRECTOR OF RECORDS MANAGEMENT
WESTMORELAND COUNTY
RECORDS MANAGEMENT DEPARTMENT
2 NORTH MAIN STREET
GREENSBURG, PA 15601
FAX 724-830-3684
PHONE 724-830-3467
EMAIL: RECORDS@CO.WESTMORELAND.PA.US

RIGHT-TO-KNOW REQUEST FORM

DATE RECORDS REQUESTED BY:

REQUEST SUBMITTED BY: E-MAIL U.S. MAIL FAX IN-PERSON

NAME OF REQUESTOR:
LAST FIRST

BUSINESS NAME:

STREET ADDRESS:

CITY/STATE/ZIP

COUNTY (Required):

TELEPHONE (Optional):

RECORDS REQUESTED: *Provide as much specific detail as possible*

DO YOU WANT COPIES? yes no
DO YOU WANT TO INSPECT THE RECORDS? yes no
DO YOU WANT CERTIFIED COPIES OF RECORDS? yes no

RIGHT TO KNOW OFFICER:
DATE RECEIVED BY THE AGENCY:
AGENCY FIVE (5)-DAY RESPONSE DUE:

***Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)*



OPEN RECORDS OFFICER

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NOTICE OF REVIEW OF REQUEST FOR ACCESS

Name of Requester _____

Street Address _____

City/State/Zip _____

Records Requested: _____

Date Written Request Was Received: _____, 20____

Your written request for access to the above record is being reviewed for the following reason(s):

_____ The request for access requires redaction of a public record.

_____ The request for access requires the retrieval of a record stored in a remote location.

_____ A timely response to the request for access cannot be accomplished due to the following staffing limitations: _____

_____ A legal review is necessary to determine whether the record is a public record subject to access under the Right-to-Know Law.

_____ The requester has not complied with the County's policy regarding access to public records for the following reasons: _____

_____ The requester refuses to pay applicable fees authorized by the Right-to-Know Law. The amount of unpaid fees is: \$_____

_____ The extent or nature of the request precludes a response within the time period required under the Right-to-Know Law. The requester is asked to consent to an extension of time to provide the requested records until _____.

The date that a response to your request for access is expected to be provided is _____, 20_____.

The fees estimated to be owed when the record becomes available is \$_____.

Ms. Lucy Yakulis, Open Records Officer
40 North Pennsylvania Avenue
Greensburg, PA 15601
Telephone (724) 830-3467
Fax (724) 830-3684
records@co.westmoreland.pa.us



OPEN RECORDS OFFICER

LUCY YAKULIS, DIRECTOR OF RECORDS MANAGEMENT
WESTMORELAND COUNTY
RECORDS MANAGEMENT DEPARTMENT
2 NORTH MAIN STREET
GREENSBURG, PA 15601
FAX 724-830-3684
PHONE 724-830-3467
EMAIL: RECORDS@CO.WESTMORELAND.PA.US

Right-To-Know Response Form

Re: Sample Granted Request

Date

Citizen Name
Address
Telephone Number

Dear [*Citizen*],

Thank you for writing to Westmoreland County with your request for information pursuant to the Pennsylvania Right- To-Know law.

On [*Insert date received by agency*], you requested documents that [*insert description of information requested, or restate their request*]. Your request is granted and the requested responsive documents are enclosed.

Respectfully,

Lucy Yakulis
Director of Records Management, Right to Know Officer
Westmoreland County
Records Management Dept.
2 North Main Street
Greensburg, PA 15601
724-830-3467

SIGNATURE



OPEN RECORDS OFFICER

LUCY YAKULIS, DIRECTOR OF RECORDS MANAGEMENT
WESTMORELAND COUNTY
RECORDS MANAGEMENT DEPARTMENT
2 NORTH MAIN STREET
GREENSBURG, PA 15601
FAX 724-830-3684
PHONE 724-830-3467
EMAIL: RECORDS@CO.WESTMORELAND.PA.US

Right-To-Know Response Form

Re: Sample Denial

Date

Citizen Name

Address

Telephone Number

Dear [*Citizen*],

Thank you for writing to Westmoreland County with your request for information pursuant to the Pennsylvania Right- To-Know law.

On [***Date received by agency***], you requested [***Describe information requested, or restate their request***]. Your request is denied for the following reasons, as permitted by Section 706 of the Act.

The [***Agency***] has denied your request because [***describe specific type of information, such as medical records, academic transcripts or other exemption items***] is exempt from disclosure. [***Must cite applicable section of the RTK law. If precluded from release by some other state or federal law, rule or regulation, you must cite that legal authority.***]

You have a right to appeal this denial of information in writing to Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120.

[***For Criminal Records***] appeal to the District Attorney Name, Address and Telephone Number.

If you choose to file an appeal you must do so within 15 business days of the mailing date of the agency's response. Section 1101. If you have further questions, please call Lucy

Yakulis, Right-To-Know Officer. Please be advised that this correspondence will serve to close this record with our office as permitted by law.

Respectfully,

Lucy Yakulis
Director of Records Management, Right to Know Officer
Westmoreland County
Records Management Dept.
2 North Main Street
Greensburg, PA 15601
724-830-3467
SIGNATURE



OPEN RECORDS OFFICER

LUCY YAKULIS, DIRECTOR OF RECORDS MANAGEMENT
WESTMORELAND COUNTY
RECORDS MANAGEMENT DEPARTMENT
2 NORTH MAIN STREET
GREENSBURG, PA 15601
FAX 724-830-3684
PHONE 724-830-3467
EMAIL: RECORDS@CO.WESTMORELAND.PA.US

Right-To-Know Response Form

Re: Sample Granted in Part/Denied in Part

Date

Citizen Name

Address

Telephone Number

Dear *[Citizen]*,

Thank you for writing to Westmoreland County with your request for information pursuant to the Pennsylvania Right- To-Know law.

On *[date received by agency]*, you requested *[description of information requested, or restate their request]*. Your request is granted in part and denied in part as follows. Your documents are enclosed.

However, the *[Agency]* has withheld information that is exempt from disclosure by law. We redacted *[Describe redacted information: Examples....social security number, academic transcripts, medical information, or other exemptions]* as outlined in Section 708(b).

This information is exempt from disclosure under *[CITE applicable section of the law. If precluded from release by other state or federal law, rule or regulation, you must cite to that legal authority.]*

You have a right to appeal this denial of information in writing to Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120.

[For Criminal Records] to the District Attorney of the County, Name, Address and Telephone Number. **[For Legislative Records]**: Contact information

If you choose to file an appeal you must do so within 15 business days of the mailing date of the agency's response. Section 1101. If you have further questions, please call Lucy Yakulis, Right-To-Know Officer. Please be advised that this correspondence will serve to close this record with our office as permitted by law.

Respectfully,

Lucy Yakulis
Director of Records Management, Right to Know Officer
Westmoreland County
Records Management Dept.
2 North Main Street
Greensburg, PA 15601
724-830-3467

SIGNATURE

RULE 509 REQUEST FORM



WESTMORELAND COUNTY RULE 509 REQUEST FORM

Email to: crtadmin@co.westmoreland.pa.us

-or-

Mail/FAX directly to appropriate UJS office

[View Addresses & Fax Numbers](#)

NAME OF REQUESTOR

[Redacted]

SIGNATURE _____

DATE

[Redacted]

MAILING ADDRESS

Street Address [Redacted]

City [Redacted]

PA ZIPCODE [Redacted]

TELEPHONE

[Redacted]

FAX

[Redacted]

EMAIL ADDRESS

[Redacted]

RECORDS REQUESTED *Please identify each of the documents that are requested. It is important that your request be as specific as possible so that we may determine whether we have these documents.*

[Redacted]

Official Use Only

DATE RECEIVED

Pages

TRACKING#

Total Cost

Comments

Right-to-Know Officer Signature _____ Date _____

SCHEDULE B (Fee Schedule)

<u>Record Type</u>	<u>Fee</u>
Copies	\$0.25 per page (single sided copy or one side of a double-sided copy of a standard 8.5 inch by 11 inch page)
Certification of a Record	\$1.00 per record (not per page) (This does not include notarization fee)
Specialized Documents (blueprints, color copies, non-standard sized documents, etc.)	Actual Cost
Facsimile/Microfiche/ Other Media	Actual Cost
Conversion to Paper	If a record is only maintained electronically or in other non-paper media, duplication fees shall be limited to the lesser of the fee for duplication on paper or the fee for duplication in the original media unless the requester specifically requests for the record to be duplicated in the more expensive medium.
Postage	Actual Cost
Enhanced Electronic Access to Records	Subscription Fees at monthly rates: Standard Records \$25.00 per month GIS Records \$15.00 additional per month
<u>Complex/Extensive Data Sets (Electronic):</u>	
Integrated property assessment lists	\$0.05 per record
GIS Records	\$0.05 per record
Annual Maintenance Fee	10% of Purchase Fee
GIS Parcel Polygons	\$2.55 per polygon \$1.05 per polygon (non-profit organization)
Miscellaneous data records	\$0.05 per record
Dog Licenses; Small Games Licensees	\$0.10 per name
Registered Voter Lists	County-wide \$55.00 City/Township/Borough \$35.00 Legislative District \$45.00 (State House/Senate; Congress; School; Magisterial District)
Other	Reasonable Market Value

If the County necessarily incurs costs for complying with the request for production of a record, under Section 1307(g) of the Right-to-Know Law the County may impose a reasonable fee.

If a separate statute authorizes the County to charge a set amount for a certain type of record, the County shall charge fees in accordance with such other statute.