

**BOROUGH OF NORTHUMBERLAND
NORTHUMBERLAND COUNTY, PENNSYLVANIA**

RESOLUTION NO. D-2008

WHEREAS, the Borough Council of the Borough of Northumberland, located in Northumberland County, Pennsylvania, constitutes the chief governing body of Borough of Northumberland; and

WHEREAS, the Council deems it necessary to enact an Open Records Policy to comply with the new Right to Know Act Law, Act 3 of 2008.

NOW, THEREFORE, BE IT RESOLVED That the Council of the Borough of Northumberland hereby adopts the following Open Records Policy:

1. Requests.

Requests for documents shall be in writing and directed to the appointed Open Records Officer for the Borough of Northumberland. Written requests shall be on a form provided by the Borough and shall include the date of the request, the name and address of the requestor, and a clear description of the records sought.

2. Fees.

The fees for duplication of the documents shall be those fees set forth by the Office of Open Records for the Commonwealth of Pennsylvania.

A request will not be processed until such time as the fee is paid with the request form.

3. Response.

The Borough will make a good faith effort to provide the requested public records as promptly as possible. The Open Records Officer shall review all written requests for access to public records. As soon as possible, but no later than five (5) business days after receiving a written request to access public records, the Open Records Officer shall respond to such request in a manner consistent with Act 3 of 2008, the new Open Records Law. In the event that the Borough fails to timely respond to a written request for records pursuant to Act 3 of 2008, the same shall be a deemed denial.

4. Additional Time to Respond.

The Open Records Officer shall, upon receipt of the written request for documents, determine if one of the following applies:

- (A) The request for access requires redaction of the record;
- (B) The request for access requires the retrieval of a record stored in a remote location;
- (C) A timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations;
- (D) A legal review is necessary to determine whether the record is a record subject to access under this Act;
- (E) The requester has not complied with the Agency's policies regarding access to records;
- (F) The requester refuses to pay applicable fees; or
- (G) The extent or nature of the request precludes a response within the required time period.

Upon determining that one of the above applies, the Open Records Officer shall send a written notice to the requester within five (5) business days within receipt of the request for access and said notice shall include a statement notifying the requester that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided and an estimate of applicable fees owed when the record becomes available. A response shall be given to the provider within thirty (30) days after service of said notice unless the requester agrees in writing to an extension.

5. Denial.

If the Borough's response is a denial of a written request for access, whether in whole or in part, the denial shall be issued in writing and shall include:

- (A) A description of the record requested;
- (B) The specific reasons for the denial including a citation of supporting legal authority.

(C) The typed or printed names, 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 New Right to Know Law.

6. Appeals Process

If a written request is denied or deemed denied, the requester may file an appeal with the Office of Open Records within fifteen (15) business days of the mailing date of the Borough's denial. The appeal shall state the grounds upon which the requester asserts that the record is a public record, legislative record or financial record and shall address any grounds stated by the agency for delaying or denying the request. The appeal must comply with Act 3 of 2008.

All appeals shall be submitted to Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, Fourth Floor, Harrisburg, Pennsylvania, 17120.

Within thirty (30) days of the mailing date of the final determination of the office of open records relating to a decision of the Borough, a requester or the Borough may file a Petition for review or other document as required by the rules of Court with the Court of Common Pleas of Northumberland County.

7. Posting

A copy of this policy shall be posted in a conspicuous place at the Borough Building.

8. Open Records Officer

The Borough pursuant to the provisions of Act 3 of 2008 hereby appoints Janice Bowman to act as the open records officer.

ATTEST:

NORTHUMBERLAND BOROUGH
COUNCIL

Janice R. Bowman, Secretary

Bryan M. Wolfe, President