

HANOVER TOWNSHIP, LEHIGH COUNTY

RESOLUTION NO. 2008-37

A RESOLUTION ESTABLISHING AN OPEN RECORDS POLICY

Whereas, the Pennsylvania Right to Know Law (Act 3 of 2008) requires municipalities to undertake certain procedures to make public records available on request subject to limitations, restrictions and conditions as set forth in the Law; and

Whereas, the Township wishes to establish a policy to further the purposes of the Law;

NOW THEREFORE, IT IS HEREBY RESOLVED that the following is adopted as the Open Records Policy of Hanover Township, Lehigh County, which replaces in its entirety the policy established by Resolution 2003-23 and published as Chapter I, Part 11 of the Statutory Code of Hanover Township.

PART 11

OPEN RECORDS POLICY

§1-1101. Introduction.

Hanover Township hereby establishes the following open records policy which is intended to further and be consistent with the requirements of the Pennsylvania Right to Know Law (Act 3 of 2008) as the same may be hereafter amended (the "Law").

§1-1102. Open Records Officer.

1. The Office of Open Records Officer is established and shall perform the responsibilities of such officer as set forth in the Law and this policy.
2. The Open Records Officer shall be appointed by the Township Council. The Township may appoint an alternate Open Records Officer to serve in the absence of the Open Records Officer.
3. Functions.
 - a. The Open Records Officer shall receive requests submitted to the Township under the Law, direct requests to other appropriate persons within the Township or to appropriate persons in another agency, track the Township's progress in responding to requests and issue interim and final responses under this act.

- b. Upon receiving a request for a public record or financial records, the Open Records Officer shall do all of the following:
 - (i) Note the date of receipt on the written request.
 - (ii) Compute the day on which the five-business day period under Section 901 of the Law will expire and make a notation of that date on the written request.
 - (iii) 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 under Section 1101(b) of the Law or the appeal is deemed denied.

- c. The Open Records Officer shall post and maintain as current both in the Township Building and on the Township's website the following information:
 - 1. Contact information for the Open Records Officer;
 - 2. Contact information for the Pennsylvania Office of Open Records;
 - 3. The approved form for filing a request;
 - 4. A copy of this Open Records Policy;
 - 5. Current fees for duplication of records as established by the Pennsylvania Open Records Office.

§1-1103. Requests.

- 1. Public records will be available for inspection at the Township Municipal building during normal business hours, Monday through Friday, 8:30 a.m. to 4 p.m., with the exception of holidays.
- 2. The Open Records Officer may accept requests that are verbal or in writing and are anonymous. However, if the requestor wishes to pursue the relief and remedies provided for in the law, the request must be in writing.
- 3. Written requests shall be directed to the Open Records Officer at the Township Municipal Building, 2202 Grove Road, Allentown, PA 18109 and may be submitted in person, by mail, by e-mail or by facsimile. Written requests shall be on a form approved by the Township or approved by the Pennsylvania Office of Open Records and shall include the date of the request, the name and address of the requester and a clear description of the records sought. An approved form is attached as Exhibit "A" to this policy.

§1-1104. Fees.

1. If not otherwise established herein, fees for duplication by photocopying, printing from electronic media or microfilm, copying onto electronic media, transmission by facsimile or other electronic means and other means of duplication shall be as established by the Pennsylvania Office of Open Records. Paper copies will be \$.15 per page per side.
2. If a record is maintained only 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.
3. If the Township necessarily incurs costs for complying with the request, other than review of a record to determine whether it is a public record, such reasonable fees may be imposed at the direction of the Open Records Officer.
4. If mailing is requested, the cost of postage will be charged.
5. If "true and correct certification" is requested, an additional charge of \$1 will be added.
6. The Township will require prepayment if the total fees are estimated to exceed \$100.

§1-1105. Response.

1. The Township will make a good faith effort to provide the requested public records as promptly as feasible. Township employees shall cooperate with those requesting to review and/or duplicate original Township documents while taking reasonable measures to protect Township documents from the possibility of theft and/or modification.

The Open Records Officer shall review all written requests for access to public records. As soon as possible, not later than 5 business days after receiving a written request to access public records, the Open Records Officer shall respond to all such requests in a manner consistent with the Law.

§1-1106. Appeal Process.

1. If a written request is denied or deemed denied, the requester may file with the Pennsylvania Office of Open Records within 15 business days of the mailing date of the Township's denial. The exceptions shall state grounds on which the requester asserts that the record is a public record and shall address any grounds stated by the Township for denying the request.


Chairman


Township Clerk

Adopted: DECEMBER 3, 2008

Motion: KOVACS

Seconded: DREISBACH

Vote: ATKINSON, DREISBACH, HAYDEN, KOVACS, PAULUS: AYE UNAN.

**HANOVER TOWNSHIP
LEHIGH COUNTY**

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUEST IS MADE:

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

NAME OF REQUESTOR: _____

STREET ADDRESS: _____

CITY/STATE/COUNTY: _____

TELEPHONE (Optional): _____

RECORDS REQUESTED:

Provide as much specific detail as possible so the Township can identify the information.

DO YOU WANT COPIES? YES or NO

DO YOU WANT TO INSPECT THE RECORDS: YES or NO

DO YOU WANT CERTIFIED COPIES OF RECORDS? YES or NO

RIGHT TO KNOW OFFICER: VICKY ROTH OR SANDRA PUDLINER

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. Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law.