

# **CITY OF GREENSBURG**

## **Right-to-Know Policy**

### **Access to Public Records**

The purpose of this policy is to assure compliance with the Pennsylvania Right-to-Know Law, Act 3 of 2008 effective January 1, 2009 to provide access to public records (as defined under §102 of the Act) of the City of Greensburg, to preserve the integrity of the City's records, and to minimize the financial impact to the residents of the City of Greensburg regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

It is the policy of the City of Greensburg to 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 City of Greensburg. The City of Greensburg designates the City Administrator as the Open Records Officer responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines:

1. The Open Records Officer shall receive requests for access to Public Records and determine if the public record, including a financial record, is not exempt under §708 of Act 3 of 2008, is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree, or that the requested record is not protected by a privilege; direct requests to appropriate persons; track progress and issue interim and final responses to the requestor.
2. All requests for public records of the City of Greensburg under this policy shall be specific in identifying and describing each public record requested. All requests for public records shall be submitted in writing and must be addressed to the designated Open Records Officer pursuant to §102 on a form provided by the City of Greensburg, entitled, "The Right-To-Know Request Form". The request must identify or describe the records sought with sufficient specificity to enable the City of Greensburg to ascertain which records are being requested and include the name and address to which the City of Greensburg should address its response. Written requests on said forms shall be accepted by the City of Greensburg in person at the office of the City Administrator; by mail to City Administrator, City of Greensburg, 416 S. Main Street, Greensburg, PA 15601; facsimile at 724-838-4325; or via e-mail addressed to [administration@greensburgpa.org](mailto:administration@greensburgpa.org) as a Microsoft Word or PDF attachment. The form may be requested at the office of the City Administrator at 724-838-4324 or may be downloaded from the City's web-site at [www.city.greensburg.pa.us](http://www.city.greensburg.pa.us).
3. Upon receipt of a written request, the Open Records Officer shall make a good faith effort to determine whether each record requested is a public record as defined under §102 of Act No. 3 of February 14, 2008, and whether the City has possession, custody or control of the identified record and to respond as promptly as possible under the circumstances existing at the time of the request as defined in Act No. 3 of February 14, 2008.
4. The Open Records Officer shall facilitate accessibility for inspection and duplication of a public record in accordance with the act. A record being provided shall be provided in the medium requested if it exists in that medium; otherwise it shall be provided in the medium that exists. If access to the public record requested is approved, the public record shall be available for access during the regular business hours of the City of Greensburg. The City of Greensburg may make its records available through any publicly accessible electronic means, i.e., by notification that the record is available for inspection online or that the City will provide access to inspect the record electronically. Within thirty (30) days of receipt of the City's notification, the requester may submit a written request to have the record converted to paper within 5 days of the written request for conversion to paper.
5. The Open Records Officer shall respond in writing to the requester within five (5) business days beginning the day after the request is received during regular business

- hours. The response shall 1) grant the request, 2) deny the request (citing the legal basis for denial/partial denial) or 3) invoke a 30-day extension for certain reasons.
6. The following reasons may necessitate up to a 30-day extension of response time: requires redaction, requires retrieval from storage in a remote location, cannot be accomplished due to bonafide staffing limitations, legal review is necessary, failure to comply with the City's policies, refusal to pay the applicable fees authorized by the act, the extent or nature of the request precludes a response within the required period of time. The response provided by the Open Records Officer shall consist of a statement notifying the requester the fact of a review and a reasonable date that a response is expected and an estimate of applicable fees.
  7. Pursuant to §1307 of Act No. 3 of February 14, 200, fees for duplication of public records shall be as follows:
    - (a) Photocopying: as set forth in Article VI, entitled "Administration" of Chapter 151, entitled "Fees" of Ordinance No. 1646, the Code of the City of Greensburg within the guidelines established by the Office of Open Records.
    - (b) Duplication of public electronic and/or tape records: actual cost to the City of Greensburg of duplicating the public record and in compliance with approval by the Office of Open Records.
    - (c) Postage: not to exceed cost of mailing.
    - (d) Certified copies – The City shall impose a fee of \$1.00 for official certification of copies if the certification is at the behest of the requester and for the purpose of legally verifying the public record.

NOTE: The City of Greensburg may in its discretion waive fees.
  8. In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed \$100.00, the City of Greensburg shall require pre-payment.
  9. Nothing in the act shall be construed to require access to a computer of the City of Greensburg or an employee.
  10. If the request is denied or deemed denied, the requester may file an appeal with the office of Open Records. The appeal must be submitted to the Office of Open Records within 15 business days of the mailing date of the City's response. Appeals should be sent to the Office of Open Records, Commonwealth Keystone Building, 400 North St., 4th Floor, Harrisburg, PA 17120-0225. They also be submitted via facsimile to 717-425-5343 or via email to [openrecords@state.pa.us](mailto:openrecords@state.pa.us) as a Microsoft Word or PDF attachment. All appeals must be in writing and submitted using the Appeals Form found on <http://openrecords.state.pa.us>.