

BOROUGH OF SHIPPENSBURG  
CUMBERLAND FRANKLIN COUNTIES, PENNSYLVANIA

RESOLUTION NO. 08 -026

A RESOLUTION OF THE BOROUGH OF SHIPPENSBURG ESTABLISHING  
AN ACCESS TO PUBLIC RECORDS POLICY IMPLEMENTING THE  
PENNSYLVANIA RIGHT-TO-KNOW LAW.

WHEREAS, Pennsylvania's Right-to-Know Law allows municipalities to establish written policies to implement the Right-to-Know Law; and

WHEREAS, Borough Council by this Resolution adopts an Access to Public Records Policy to implement the Right-to-Know Law.

NOW THEREFORE, BE IT RESOLVED, by the Council for the Borough of Shippensburg as follows:

**Access to Public Records Policy**

The purpose of this policy is to assure compliance with the Pennsylvania Right-to-Know Law, 65 P.S. §67.101 et seq. to provide access to public records of the Borough of Shippensburg, to preserve the integrity of the Borough's records, and to minimize the financial impact to the residents of the Borough of Shippensburg 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 Borough of Shippensburg to require the presence of a Borough representative when public records are examined and inspected and to charge a reasonable fee for duplication of public records of the Borough of Shippensburg. Shippensburg Borough Council designates the Borough Secretary as the person to be responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines:

1. Borough Council is responsible for minimizing, where possible, the financial impact to the Borough of Shippensburg regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.
2. All requests for public records of the Borough of Shippensburg under this policy shall be specific in identifying and describing each public record requested. In no case shall the Borough be required to create a public record which does not exist or to compile, maintain, format or organize a public record in a manner in which the Borough does not currently compile, maintain, format or organize the public record. All requests for public records shall be submitted in writing and on a form provided by the

Borough as attached hereto entitled, "Shippensburg, Pennsylvania Standard Right-To-Know Request Form", or on a form provided by the State Office of Open Records. The Borough also adopts the response forms attached hereto: Shippensburg, Pennsylvania Right-To-Know Response Form, Re: Granted Request; Shippensburg, Pennsylvania Right-To-Know Response Form, Re: Granted in Part/Denied in Part; and Shippensburg, Pennsylvania Right-To-Know Response Form, Re: Denial of Request,

3. The Borough Secretary shall make a good faith effort to determine whether each record requested is a public record.
4. The Borough shall facilitate a reasonable response to a request for the Borough's public records. In no case is the Borough expected to provide extraordinary staff to respond to the request, but will respond in a manner consistent with current administrative responsibilities and consistent with the requirements of the Pennsylvania Right-to-Know Law.
5. The Borough Secretary shall respond to the requester within five (5) business days from the date of receipt of the written request. If the Borough Secretary does not respond within five (5) business days of the receipt thereof, the request is deemed denied.
6. The response provided by the Borough Secretary shall consist of (1) approval for access to the public record; (2) review of the request by the Borough Secretary; or (3) denial of access to the record requested.
7. If access to the public record requested is approved, the public record shall be available for access during the regular business hours of the Borough. The Borough Secretary shall cooperate fully with the requester, while also taking reasonable measures to protect the Borough's public records from the possibility of theft and/or modification. The presence of a designated Borough representative is required when public records are examined and inspected.
8. Fees for duplication of public records shall be as follows:
  - a. Photocopying: 25 cents (\$0.25) per page.
  - b. Duplication of public electronic and/or tape records: actual cost to the Borough of duplicating the public record.
  - c. Certified copies: \$1.00 per record plus notarization fee.
  - d. Postage: actual cost to the Borough of mailing the public record.

- e. The Borough may in its discretion waive fees.
9. In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed \$100.00, the Borough Secretary shall obtain fifty percent (50%) of the expected cost in advance of fulfilling the request to avoid unwarranted expense of Borough resources.
  10. If the request is being reviewed, the notice provided by the Borough shall be in writing and include the reason for the review and the expected response date, which shall be within thirty (30) days of the notice of review. If the Borough does not respond within thirty (30) days thereof, the request is deemed denied. Review of the request is limited to situations where:
    - a. The record requested contains information which is subject to access, as well as information which is not subject to access that must be redacted prior to a grant of access. The redacted information is considered a denial as to that information;
    - b. The record requires retrieval from a remote location;
    - c. A timely response cannot be accomplished due to staffing limitations;
    - d. A legal review is necessary to determine whether the record requested is a public record;
    - e. The requester has failed to comply with the Borough's policy and procedure requirements;
    - f. The requester refuses to pay the applicable fees; or
    - g. The extent or nature of the request precludes a response within five days.
  11. If access to the record requested is either partially or fully denied, the notice provided by the Borough shall be in writing as indicated on the appropriate forms attached hereto entitled, "Shippensburg, Pennsylvania Right-To-Know Response Form, Re: Granted in Part/Denied in Part; and Shippensburg, Pennsylvania Right-To-Know Response Form, Re: Denial of Request".
  12. If the request is denied or deemed denied, the requester may file an appeal with the State Office of Open Records within fifteen (15) business days of the mailing date of the Borough's notice of denial, or within fifteen (15) business days of a deemed denial. The appeal shall state the grounds upon

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which the requester asserts that the record is a public record and shall address any grounds stated by the Right-to-Know Officer for denying the request.

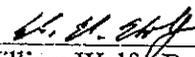
- 13. This policy shall be posted conspicuously at the Borough Office.

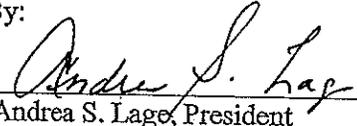
This policy shall take effect January 1, 2009.

DULY ADOPTED, this 16<sup>th</sup> day of December 2008 by the Council of the Borough of Shippensburg in lawful session duly assembled.

ATTEST:

BOROUGH OF SHIPPENSBURG

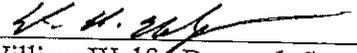
  
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 William Wolfe, Borough Secretary

By:   
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 Andrea S. Lage, President  
 Borough Council

CERTIFICATION

The undersigned hereby certifies that she is the duly appointed Secretary of the Borough of Shippensburg, Cumberland and Franklin Counties, Pennsylvania and that the foregoing Resolution was adopted by the Borough at its regularly scheduled meeting held on December 16, 2008, which meeting was duly called and at which time a quorum was present and acting throughout, and that said Resolution has not been revoked or amended.

Dated: Dec 16, 2008

  
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 William Wolfe, Borough Secretary