

**POLICY PURSUANT TO PENNSYLVANIA  
OPEN RECORDS/RIGHT TO KNOW LAW**

The purpose of this policy is to assure compliance with the Pennsylvania Right-to-Know Law, known as the Open Records Act, 65 P.S. 66.1 et. seq., as amended, to provide access to public records of the Bethlehem Authority (“Authority”), to preserve the integrity of the Authority records, and to minimize the financial impact to the Authority 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 Authority to require the presence of the Open Records Officer when public records are examined and inspected and to charge reasonable fees for duplication of public records in accordance with the following guidelines:

**I. OPEN RECORDS OFFICER:**

An Open Records Officer for the Authority shall be the person appointed from time to time by the Authority. The Open Records Officer is responsible for processing requests for records, tracking the progress in responding to the requests and issuing interim and final responses to the requests. Upon receiving a request for a public record, the Open Records Officer is required to note the date of receipt, compute the 5-day response period and create a file for the request, the response and all communications with the requester.

**II. REQUESTS:**

Public records shall be available for inspection and copying at the Authority Office at 10 E. Church Street, Bethlehem, Pennsylvania 18018 during normal business hours - Monday through Friday, 8:00 a.m. to 4:00 p.m., with the exception of holidays.

Requests shall be in writing and directed to the Open Records Officer at the Authority Office at 10 E. Church Street, Bethlehem, Pennsylvania 18018, fax (610) 865-7042 and e-mail [SRepasch@bethlehem-pa.gov](mailto:SRepasch@bethlehem-pa.gov) Written requests shall be on the form attached hereto as Exhibit “A”

The request may be in person, by mail, electronic mail or facsimile. The request must be specific enough for the Authority to determine what records are needed.

### **III. FEES:**

Paper copies will be \$0.25 per page side. If mailing is requested, the cost of postage will be charged. Fax copies will be available at the cost of \$0.25 per page. Specialized documents, i.e. non standard size and color copies will be provided at actual cost. If a "True and Correct Certification" is requested, an additional charge of \$1.00 will be added. "True and Correct Certification" fees do not include any applicable notary fees. The Authority will require prepayment if the total fees are estimated to exceed \$100.

### **IV. RESPONSE:**

The Open Records Officer shall review all written requests for access to public records. As soon as possible, but no later than five business days after receiving a written request to access public records, the Open Records Officer shall respond to all such requests. A letter in the form attached hereto as Exhibit B shall accompany each granted request.

A request is considered denied if, within five business days after submitting a written request, the requester does not: (1) receive a response from the Authority to its request; or (2) receive an application from the Authority for an additional 30-days to fulfill the request.

The Authority may request an additional thirty days to fulfill the request under the following conditions:

1. If it must remove portions of the record that are not public;
2. Retrieve records not stored on site;
3. Obtain legal review of the records requested;
4. It is experiencing a bona fide staffing shortage;
5. The requester has not complied with the municipal policies for record access;
6. The requester has not paid the requested fees.

If additional days are needed, the Authority must notify the requester of the delay in writing within the first five business days after receiving the written request for the records. The requester must approve the application for an extension.

The record shall be provided to the requester in the medium requested, if the record exists in that medium. Otherwise, the record shall be provided in the medium in which it exists. If a record is only kept in the electronic form, the Authority must make it available in paper upon

request. The Authority is not required to create a record that does not exist or put a document into a format that does not exist. The Authority may remove portions of a document or refuse to supply a record that is not a public record. If a portion of the document is removed, a written denial must be given for the removed portions of the document.

#### **IV. DENIAL:**

The Authority may deny a request if the document is not a public document. The Authority must give denials in writing, even if only a portion of the document is denied or removed, in the form attached hereto as Exhibit C.

#### **V. APPEALS PROCESS:**

To appeal a denial of the Authority, a requester must file an appeal with the Office of Open Records of the Commonwealth of Pennsylvania within 15 days of the mailing of the Authority's response to the request or within 15 days of the deemed denial date. The Appeal should include grounds necessary for asserting that the record requested is a public record and include the Authority's grounds for denying or delaying the request. The Office of Open Records may conduct a hearing. The Office of Open Records will issue a written decision, which shall act as a final order. Appeals of the written decision of the Office of Open Records may be taken to the Commonwealth Court within 30 days of the mailing of the decision or deemed denial date.

#### **VII. DEFINITIONS:**

A. Public Record: Any record not expressly exempt from public access under the Open Records Act, any other state or federal law or judicial order.

B. Record: Any information, regardless of physical form or characteristics that documents a government agency transaction or activity. 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.

C. Requester: A person who requests a record pursuant to the Open Records Act.

D. Response: Access to a record or the Authority's written notice granting, denying or partially granting and partially denying access to a record.

**VIII. EFFECTIVE DATE**

This policy shall take effect January 8, 2009.



**pennsylvania**  
OFFICE OF OPEN RECORDS

**STANDARD RIGHT-TO-KNOW REQUEST FORM**

**DATE REQUESTED:**

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

**NAME OF REQUESTOR** \_\_\_\_\_

**STREET ADDRESS** \_\_\_\_\_

**CITY/STATE/COUNTY (Required):** \_\_\_\_\_

**TELEPHONE (Optional):** \_\_\_\_\_

**RECORDS REQUESTED:**

*\*Provide as much specific detail as possible so the agency 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:**

**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)***

**A**



**pennsylvania**  
OFFICE OF OPEN RECORDS

**Right-To-Know Response Form**

**Re: Sample Granted Request**

Date

Citizen Name  
Address  
Telephone Number

Dear *[Citizen]*,

Thank you for writing to *[Name of Public Body or Agency]* 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,

RIGHT-TO-KNOW OFFICER NAME *[information required to be typed]*  
TITLE *[information required to be typed]*  
BUSINESS ADDRESS *[information required to be typed]*  
BUSINESS TELEPHONE *[information required to be typed]*

SIGNATURE

B



# pennsylvania

OFFICE OF OPEN RECORDS

## 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 *[Public Body]* 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, 4<sup>th</sup> 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, as outlined in Section 1101 If you have further questions, please call *[Right-To-Know Officer]*. Please be advised that this correspondence will serve to close this record with our office as permitted by law

Respectfully,

RIGHT-TO-KNOW OFFICER NAME *[information required to be typed]*

TITLE *[information required to be typed]*

BUSINESS ADDRESS *[information required to be typed]*

BUSINESS TELEPHONE *[information required to be typed]*

SIGNATURE

C



**pennsylvania**  
OFFICE OF OPEN RECORDS

**Right-To-Know Response Form**

**Re: Sample Denial**

Date

Citizen Name  
Address  
Telephone Number

Dear *[Citizen]*,

Thank you for writing to *[Public Body]* 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, 4<sup>th</sup> 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 *[Right-To-Know Officer]* Please be advised that this correspondence will serve to close this record with our office as permitted by law

Respectfully,

RIGHT-TO-KNOW OFFICER NAME *[information required to be typed]*  
TITLE *[information required to be typed]*  
BUSINESS ADDRESS *[information required to be typed]*  
BUSINESS TELEPHONE *[information required to be typed]*

SIGNATURE