



# Lower Providence Township

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## OPEN RECORDS POLICY

### 1. Purpose

The purpose of this policy is to ensure compliance with Act 3 of 2008, the Pennsylvania Right-To-Know Law, as amended; to provide access to public records of Lower Providence Township; and to preserve the integrity of Lower Providence Township records.

### 2. Public Records

A “public record” is defined as any record, including financial records, of a Commonwealth or local agency that is not exempt under Section 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 is not protected by a privilege.

### 3. Open Records Officer

Lower Providence Township hereby designates the Community Relations Coordinator as the Township’s Open Records Officer. The Open Records Officer may be reached at the Township Administration Building and shall receive all records requests submitted to the Township. The Open Records Officer shall direct requests to other appropriate persons, track the Township’s progress in responding to requests, and issue interim and final responses. Upon receipt of a written open records request, the Open Records Officer or his/her designee shall:

- a. Note the date of receipt on the written request
- b. Compute the day on which the five-day response period will expire and make a notation of that date on the written request
- c. Maintain an electronic or paper copy of the 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 thirty (30) days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied.
- d. Create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.

### 4. Submission of Requests

All requests to inspect or duplicate public records of the Township shall be presented to:  
Open Records Officer  
Lower Providence Township  
100 Parklane Drive  
Eagleville, PA 19403

Requests may be submitted in person at the Township Administration Building during normal business hours, Monday through Friday from 7:30 a.m. to 4:30 p.m.; by mail to 100 Parklane Drive, Eagleville, PA 19403; by fax to 610-539-6347; or by e-mail to [dwalsh@lowerprovidence.org](mailto:dwalsh@lowerprovidence.org). All requests must be in writing on the Township's Request for Information Form or on the Commonwealth's Right-To-Know Request Form. The Township will not require any person to disclose his or her reason for requesting access to a public record.

#### **5. Creation of Record**

When responding to a request, the Township shall not be required to create a record that does not currently exist or to compile, maintain, format or organize a record in a manner in which the Township does not currently compile, maintain, format or organize the record.

#### **6. Redaction**

If the Township determines that a public record contains information that is subject to access as well as information that is not subject to access, the Township will separate and exclude any records which are not public records or which are otherwise excluded or exempted from the definition of public record. If information that is not subject to access is an integral part of a public record and cannot be separated, Lower Providence Township shall redact from the public record the information that is not subject access.

#### **7. Response**

The Township shall make a good faith effort to determine if the record requested is public and to provide the requested public record(s) as promptly as possible. The Open Records Officer shall cooperate with those requesting records to review and/or duplicate original Township documents while taking reasonable measures to protect Township documents from the possibility of theft, damage, and/or modification. As soon as possible, but no later than five (5) business days after receiving the written request, Lower Providence Township will:

- a. Provide the record(s) requested *or*
- b. Deny the request by notifying the requester in writing *or*
- c. Send a written notice that the records cannot be provided within the five (5) day business days, in accordance with Section 902 of the Act. A notice will be issued specifying a date when the records may be expected but, in no case, will the time be longer than thirty (30) additional days.

If no response is made within the five (5) business days of receipt of the written request, the request shall be deemed denied.

If the requester fails to retrieve requested records within sixty (60) days of the Township's response, the Township may dispose of the copies and retain all fees.

## **8. Fees**

All applicable fees shall be paid in order to receive access to the record requested in accordance with the Township's adopted fee schedule or with the fees established by the Office of Open Records. The Township may require a requester to prepay the fee if the cost of duplication is estimated to be \$100 or more. Specialized documents including, but not limited to, blueprints, color copies, and non-standard sized documents shall be charged the actual cost of production.

## **9. Denials**

If Lower Providence Township denies a written request for information, whether in whole or part, a written response will be sent by the Open Records Officer to the requester with a description of the record requested, the specific reason(s) for denial, including a citation of supporting legal authority, contact information for the Open Records Officer, date of response, and procedure to appeal the denial.

## **10. Appeals**

Requesters receiving a denial either in part whole of a submitted request have the right to appeal and may file an appeal in writing to Terry Mulcher, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, Plaza Level, Harrisburg, PA 17120-0225. Appeals of criminal records shall be made the District Attorney of Montgomery County, Montgomery County Court House, P.O. Box 311, Norristown, PA 19404-0311.

Appeals shall be filed within 15 business days of the mailing date of the Township's response or within 15 business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts the record is a public record and shall address any grounds stated by the Township for delaying or denying the request.

## **11. Applicability**

This policy shall apply to requests for information made after December 31, 2008.