

**Lower Providence Township Police Department  
Eagleville, Pennsylvania**

**General Order** ☒  
**Special Order** ☐  
**Personnel Order** ☐

**ORDER NUMBER**

**1111**

**Subject**

**Pennsylvania Right to Know Act**

**Date of Issue**

**February 4, 2020**

**Effective Date**

**February 4, 2020**

**Expiration Date**

**Until Amended or  
Rescinded**

**Issued by:**

**Michael Jackson, Chief of Police**

**Amends**

**Rescinds**

**Standard Number:**

**4.11.1**

**Distribution**

- 1. General Order Manuals**
- 2. Records Manual**
- 3. Reading Verification to all Personnel**

**I. Purpose:**

According to the Pennsylvania Right to Know Act, public records are to be accessible for inspection and duplication by a person who is a resident of the Commonwealth of Pennsylvania, unless the record, information or access is otherwise limited or prohibited by law. It is the desire of the Lower Providence Township Police Department to establish policies and regulations to implement this act.

**II. Policy:**

It shall be the policy of the Lower Providence Township Police Department that all officers become familiar with and comply with the provisions of this General Order in regard to the PA Right to Know Act. Information concerning the act shall be clearly posted in the lobby of the department and provided on the township's website.

**III. Regulation:**

**Pennsylvania Right to Know Act**

1. A resident of this Commonwealth who desires access to a public record of the Lower Providence Township Police Department, for inspection or duplication shall make that request either in person or in writing to the police department.
  - a. The request shall include the date of request, the name of the requester and a clear description of the records sought.
  - b. There shall be no limitation on the number of public records sought, however it is understood that the greater the number of records sought, the more time it will take to compile same.

- c. There shall be no requirement that the requester disclose the purpose or motive in requesting access to the public records.
2. Upon receipt of the written request, the police department shall notify the requester that they will be contacted and advised of the date and time that the record(s) may be available. A Request for Information Form is available at the Police Dispatch Center and is also accessible through the Township's website. As a general policy, public records will be available for access, inspection, and duplication at the Lower Providence Township Police Department during normal business hours from Monday through Friday, from 7:30 A.M. to 4.30 P.M, except holidays.
3. The request shall be forwarded to the Open Records Officer, who shall note the date of the receipt of the written request; compute the day on which the five-day response period will expire and make a notation of that date on the written request; maintain an electronic or paper copy of the written request, including all documents submitted with the request, until the request has been fulfilled with the written request being maintained for a thirty (30) day period in the event that the request is denied or if an appeal is filed, until a final determination is issued or the appeal is deemed denied; and, 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. The Chief of Police, or his designee, and the Community Relations Coordinator, who is designated as the Open Records Officer for the Township, will make a good faith effort to determine if the record requested is a public record and to respond as promptly as possible under the circumstances existing at the time of the request.
5. No resident shall have access to, nor examine, inspect or duplicate any public record to which the laws of the Commonwealth of Pennsylvania or the laws of the United States of America deny such access. The Open Records Officer, in collaboration with the Chief of Police, or his designee, must determine that the record requested does not fall within the exceptions to this Act. Excluded from this Act are certain records that are delineated as exceptions in section 708 of the Act.
6. The Police Department is not required to create a public record which does not currently exist or to compile, maintain or format a public record in a manner which the Police Department does not currently maintain such information.
7. If the Open Records Officer, in collaboration with the Chief of Police, or his designee, determines that the requested record contains information that is subject to access as well as information which is not subject to access, the Open Records Officer shall grant access to information which is subject to access and deny access to the information that is not subject to access. In conformance with section 706 of the Act, if the information that is not subject to access is an integral part of the public record and cannot be separated, the Chief of Police, or his designee, shall redact the non-accessible information from the record. If, however, the information which is not subject to access cannot be redacted from the public record then access to such public record shall be denied.
8. As soon as possible, but no later than five (5) business days after receiving the written request, the requested record be will provided; or, the request will be denied and the requester will be notified in writing; or, a written notice will be sent that the records cannot be provided within the five (5) business days, in conformance with section 902 of the Act and a notice will be issued specifying a date when the records may be expected but, in no case, will the time be longer that thirty (30) days. If no response is made within five (5) business days of receipt of the written request, the request shall be deemed denied.
9. If the requester requests that duplicates of the record be made, then the requester shall pay the fees for such duplication as set forth in the Township Fee Schedule, and may include postage, if applicable. If the requester fails or refuses to pay such fees, then the requested record shall not be delivered to the requester.

10. The Lower Providence Township Board of Supervisors enacted the "Open Records Policy" through Resolution Number 08-144 on December 18, 2008, effective December 31, 2008, which said policy specifically designates the Community Relations Coordinator as the Township's Open Records Officer.

If a written request for information, whether in whole or in part, is denied, a written response will be sent by the Open Records Officer to the requester with a description of the record requested, the specific reasons 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.

11. Requesters receiving a denial either in part or in whole of a submitted request have the right to appeal and file any appeal in writing to the 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 to the District Attorney of Montgomery County, Montgomery County Court House, P.O. Box 311, Norristown, PA 19404-0311. Appeals shall be filed within fifteen (15) business days of the mailing date of the response or within fifteen (15) 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.

#### IV. Procedure

##### A. Personal Requests

1. A person appearing at the Police Dispatch Center and requesting information in conformance with the Open Records Law will be provided with a Request for Information Form.
2. The requester will complete the form and present it to Police Dispatch Center personnel. Dispatch Center personnel will ensure that all required information is completed. The date, time and initials of the personnel receiving the request shall be placed in the upper right corner of the form. The requester shall be advised that the request will be processed in collaboration with the Open Records Officer and that the requester will be notified within five (5) business days of the disposition of the request.
3. Dispatch Center personnel shall attempt to locate the requested information and attach it to the original of the Request for Information Form and submit the form and information to the Chief of Police, or his designee, for review.
4. The Chief of Police, or his designee, shall review the request, the requested information, and ensure that all requested information has been located, if available.
5. The Chief of Police, or his designee, will then forward the request form and information to the Open Records Officer who will enter the request into a log, make the appropriate notations on the request form, and ensure that the request will be complied with. In the event that a request is to be denied, in whole or in part, the Open Records Officer, shall notify the requester in writing, as required by statute. In the event that the request is approved, the Open Records Officer shall return the request form and the information to the Chief of Police, or his designee, who will then convey the information to Dispatch Center personnel.
6. Dispatch Center personnel shall contact the requester and advise the requester that the information is available for release. Dispatch Center personnel shall be responsible for entering on the Police Department Daily Log Sheet the time that requests are delivered, the time that a notification of availability is made and the time that the requester retrieves the requested record(s).

##### B. Mail, Email or Facsimile Requests

1. On receipt of a request in written form by mail, email or fax, the person receiving the request shall date, time and initial the request in the upper right hand corner.

2. The request shall be transmitted to the Chief of Police, or his designee, who will review the request, and attempt to locate the requested information, if available.
3. The Chief of Police, or his designee, will then forward the request form and information to the Open Records Officer who will enter the request into a log, make the appropriate notations on the request form, and ensure that the request will be complied with. If a request is to be denied, in whole or in part, the Open Records Officer, shall notify the requester in writing, as required by statute. If the request is approved, the Open Records Officer shall return the request form and the information to the Chief of Police, or his designee, who will then convey the information to Dispatch Center personnel.
4. Dispatch Center personnel shall contact the requester and advise the requester that the information is available for release or, if requested, shall forward the information by mail to the requester. Dispatch Center personnel shall be responsible for entering on the Police Department Daily Log Sheet the time that requests are delivered, the time that a notification of availability is made and the time that the requester retrieves the requested record(s).

C. Fees

1. No report or document shall be released pursuant to this General Order without the applicable fee having been conveyed to the Township.

*Michael Jackson*

Michael Jackson  
Chief of Police