



Penn Township Sewage Authority ~ 1032 Nike Site Road, Irwin PA 15642

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: _____

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

NAME OF REQUESTER: _____

STREET ADDRESS: _____

CITY/STATE/COUNTY/ZIP (Required): _____

TELEPHONE: _____

RECORDS REQUESTED: **Provide as much specific detail as possible so the Authority can identify the information.*

DO YOU WANT COPIES? YES NO

DO YOU WANT TO INSPECT THE RECORDS? YES NO

DO YOU WANT CERTIFIED COPIES OF THE RECORDS? YES NO

**** PLEASE NOTE: RETAIN A COPY OF THIS REQUEST FOR YOUR FILES ****
**** IT IS A REQUIRED DOCUMENT IF YOU WOULD NEED TO FILE AN APPEAL ****

FOR AGENCY USE ONLY

RIGHT TO KNOW OFFICER: STANLEY J. CAROLINE JR. / MANAGER

DATE RECEIVED BY THE AUTHORITY: _____

AUTHORITY FIVE (5) BUSINESS 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)

Public Records Request

Penn Township Sewage Authority's Public Records Access Policy

Resolution No. 68 sets forth PTSA's policy for requesting and processing public records requests in accordance with Pennsylvania's Right-To-Know Law, Act 3 of 2008. Questions regarding this policy should be directed to the PTSA Open Records Officer at 724-744-4333.

All requests for review and/or duplication of public records shall be submitted to the Authority in writing. Use the Authority's Public Records Review/Duplication Request Form.

Written requests may be submitted to the Authority in one of the following manners:

IN PERSON (Hand Delivered) to: Penn Township Sewage Authority
Attention: Open Records Officer
1032 Nike Site Road
Irwin, PA 15642

BY MAIL: Same as above.

BY E-MAIL: stan@ptsewage.com

BY FAX: 724-744-0505

For denied or partially denied requests, the requester has the right to appeal the denial in writing to:

Terry Mutchler, Executive Director
Office of Open Records
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120
717-346-9903

RESOLUTION NO. 68

ORIGINAL RESOLUTION NO.: RESOLUTION NO. 68

Date of Adoption:	January 20, 2009
Effective Date of Resolution:	January 20, 2009
Purpose:	Promulgating regulations and policies to implement the Pennsylvania Right-To-Know Law, Act 3 of 2008, 65 P.S. § § 67.101 et. seq.
Short Title Name:	Right-To-Know Resolution
History of Amendment:	None

RESOLUTION NO. 68

PENN TOWNSHIP SEWAGE AUTHORITY

**A RESOLUTION PROMULGATING REGULATIONS AND POLICIES
TO IMPLEMENT THE PENNSYLVANIA RIGHT-TO-KNOW LAW, ACT
3 OF 2008, 65 P.S. SECTIONS 67.101 ET. SEQ.**

The Penn Township Sewage Authority (herein "Authority") does hereby adopt this Resolution promulgating regulations and policies to implement the Pennsylvania Right-To-Know Law, Act 3 of 2008, 65 P.S. §§ 67.101 et. seq.

WHEREAS, Act 3 of 2008 (65 P.S. §§ 67.101 et. seq.), known as the Right-to-Know Law (herein "RTKL"), became effective January 1, 2009; and,

WHEREAS, pursuant to Section 102 of RTKL (65 P.S. § 67.102), the Authority is a local agency subject to the RTKL; and,

WHEREAS, the Authority recognizes that in order to have transparency in its actions, it is important that public records of the Authority be readily open and available to the public; and,

WHEREAS, the Authority desires to promulgate regulations and policies to implement the RTKL as provided for in Section 504 of the RTKL (65 P.S. § 67.504); and,

WHEREAS, the Authority recognizes that the RTKL provides that certain records are privileged, confidential, or otherwise exempt from access and disclosure; and,

WHEREAS, the Authority hereby declares its intent to comply with the RTKL and to promulgate regulations and policies governing access to and duplication of public records kept or maintained by the Authority in accordance with the RTKL.

NOW THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED AS FOLLOWS:

**Section 1
Definitions**

Unless the context clearly indicates otherwise, words and phrases used in this Resolution which are also defined in Section 102 of the RTKL (65 P.S. § 67.102) shall have the meaning as given in Section 102 of the RTKL.

**Section 2
Policy**

It is the policy of the Authority that all records of the Authority are presumed to be public records unless the record is exempt under Section 708 of the RTKL, the record is subject to a privilege, the record is confidential, or the record is exempt from disclosure under any other Federal or State law or regulation or judicial order or decree. All public records are available for inspection and/or duplication in accordance with the RTKL, this Resolution and all applicable administrative regulations adopted by the Office of Open Records of the Commonwealth of Pennsylvania (hereinafter "Office of Open Records"). The Authority recognizes that it is the Authority's burden to prove by a preponderance of the evidence that a record is not a public record.

**Section 3
Open-Records Officer**

The Authority's Manager is hereby designated as the Authority's Open-Records Officer and shall be responsible to:

- A. Receive requests submitted to the Authority under the RTKL.
- B. Direct requests to other appropriate persons within the Authority or to appropriate persons in another agency.

- C. Track the Authority's progress in responding to requests.
- D. Issue interim and final responses under the RTKL.
- E. Upon receipt of a written request for a public record, including a financial record, the Open-Records Officer shall:
 - 1. Stamp the date of the receipt of the written request on the written request.
 - 2. Compute the day on which the five- business day period under Section 901 of the RTKL to respond will expire and make a notation of that date on the written request.
 - 3. Maintain an electronic or paper copy of the written request, including all documents submitted with the written request until the request has been fulfilled.
 - 4. If the written request is denied, the written request shall be maintained for thirty (30) days. If an appeal is filed, the written request and records requested shall be maintained until a final determination is issued under Section 1101 (b) of the RTKL or the appeal is deemed denied.
 - 5. Create a file of all written requests which shall include the date of the request, the documents requested, the requestor's name, and the date the request was fulfilled or denied.

Section 4
General Provisions

- A. All requests for access to a public record, including a financial record, shall be in writing.

- B. Each written request shall be on the Authority's Right-To-Know Request Form attached hereto as Exhibit "A" or on the form developed by the Office of Open Records. The Open-Records Officer may from time to time propose changes in the Authority's Right-To-Know Request Form which changes may be approved by motion duly passed by the Board of the Authority.
- C. Written requests personally delivered to the Authority shall be delivered during the normal business hours of the Authority.
- D. Written requests received by mail shall be sent to the attention of the Open-Records Officer and mailed to the following address:
- Penn Township Sewage Authority .
Attention: Open-Records Officer
1032 Nike Site Road
Irwin, PA 15642
- E. Written requests sent by email or facsimile shall be deemed received on the Authority's first business day following the emailing or faxing of the request.
- F. Disruptive requests:
1. The Authority may deny a requester access to a record if the requester has made repeated requests for that same record and the repeated requests have placed an unreasonable burden on the agency.
 2. A denial under this subsection shall not restrict the ability of the requester to request a different record.

G. Disaster or potential damage:

1. The Authority may deny a requester access:
 - (i) when timely access is not possible due to fire, flood or other disaster; or
 - (ii) to historical, ancient or rare documents, records, archives and manuscripts when access may, in the professional judgment of the curator or custodian of records, cause physical damage or irreparable harm to the record.
2. To the extent possible, the contents of a public record under this subsection G shall be made accessible to a requester even when the record is physically unavailable.

H. Authority discretion. The Authority may exercise its discretion to make any otherwise exempt record accessible for inspection and copying under the RTKL, if all of the following apply:

1. Disclosure of the record is not prohibited under any of the following:
 - (i) Federal or State law or regulation.
 - (ii) Judicial order or decree.
2. The record is not protected by a privilege.
3. The Authority's Board determines that the public interest favoring access outweighs any individual, agency or public interest that may favor restriction of access.

I. Third Party Possession of Public Record.

1. A public record that is not in the possession of the Authority but is in the possession of a party with whom the Authority has contracted to perform a governmental function on behalf of the Authority, and which directly relates to the governmental function and is not exempt under the RTKL, shall be considered a public record of the Authority for purposes of this Resolution.
 2. Nothing in this Resolution shall be construed to require access to any other record of the party in possession of the public record.
 3. A written request for a public record in possession of a party other than the Authority shall be submitted to the Open-Records Officer of the Authority. Upon a determination that the record is subject to access under the RTKL, the Open-Records Officer shall assess the duplication fee established under the RTKL and upon collection shall remit the fee to the party in possession of the record if the party in possession duplicated the record.
- J. The right of access to a public record, including a financial record, does not include the right to remove the record from the control or supervision of the Open-Records Officer or the Authority.
- K. The Authority shall not limit the number of records that can be requested. The Authority shall not require the requester to disclose the purpose or motive in requesting access to the record.

- L. When responding to a written request, the Authority shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner which the Authority does not currently compile, maintain, format or organize the record.
- M. The Authority shall post on its internet website and at the offices of the Authority contact information for the Authority's Open-Records Officer, contact information for the Office of Open Records, the Authority's Right-To-Know Request Form to be used to request a public record, and a copy of this Resolution.
- N. The Authority shall not fulfill verbal requests, including anonymous verbal requests, for financial records.

Section 5
**Form of Request, Response To Request, Granting of Request, Notification to Third Parties,
Denial of Request and Appeal Rights**

- A. Contents of Written Request:
 - 1. Each written request shall contain the following information:
 - (i) Identification or description of the requested records in sufficient detail to enable the Open-Records Officer to determine which records are being requested.
 - (ii) The medium in which the record is requested.
 - (iii) Name and address to which the Authority should address its response.
- B. Response to Written Request:
 - 1. If the Open-Records Officer determines that an extension of time is required to respond to a request in accordance with the factors stated in

Section 902(a) of the RTKL, written notice thereof shall be sent within five business days of the receipt of the written request. The written notice shall state that the request for access is being reviewed, the reason for the review, a reasonable date when the response is expected to be provided, and an estimate of the applicable fees owed when the record becomes available.

2. If the date that a response is expected to be provided is in excess of thirty (30) days, following the five business days allowed for in Section 901 of the RTKL, the request for access shall be deemed denied unless the requester has agreed in writing to an extension to the date specified in the written notice.
3. If the requester agrees to the extension, the request shall be deemed denied on the day following the date specified in the written notice if the Authority has not provided a response by that date.

C. Granting of Request:

1. If the Open-Records Officer determines that the request will be granted, the response shall inform the requester that access is granted, the medium in which the public record will be provided, and either include information as to the regular business hours of the Authority during which the public record is available for access or notify the requester that the record is available through publicly accessible electronic means or that the Authority will provide access to inspect the record electronically. The response shall also include a copy of the Authority's Fee Structure then in

effect. In the event the fees required to fulfill the request are expected to exceed \$100.00, the response shall state the amount the requester is to prepay before access to the record is permitted.

2. A public record shall be provided to the requester in the medium requested if it exists in that medium; otherwise, it shall be provided in its existing medium. Nothing in this Resolution shall be construed to require access to any computer either of the Authority or an individual employee of the Authority.
3. In the event the Open-Records Officer notifies the requester that the record is available through publicly accessible electronic means or that the Authority will provide access to inspect the record electronically, and the requester is unwilling or unable to access the record electronically, the requester may, within thirty (30) days following receipt of the notification, submit a written request to the Authority to have the record converted to paper. The Authority shall provide access in printed form within five days of the receipt of the written request for conversion to paper.
4. If the Open-Records Officer determines that a public record contains information which is subject to access as well as information which is not subject to access, the Open-Records Officer's written response shall grant access to the information which is subject to access and deny access to the information which is not subject to access. If the information which is not subject to access is an integral part of the public record and cannot be

separated, the Open-Records Officer shall redact from the record the information which is not subject to access, and the response shall grant access to the information which is subject to access. The Authority shall not deny access to a record if the information which is not subject to access is able to be redacted. Information the Authority redacts in accordance with this subsection shall be deemed a denial under Chapter 9 of the RTKL.

5. If the Open Records Officer responds to the requester that a copy of the requested records are available for delivery at the offices of the Authority, and the requester does not retrieve the records within sixty (60) days of the Authority's response, the Authority shall dispose of any copies which have not been retrieved and retain any fees paid to date.

D. Notification to Third Parties.

1. If, in response to a request, the Authority produces a record that is not a public record, the Authority shall notify any third party that provided the record to the Authority, the person that is the subject of the record and the requester.
2. The Authority shall notify a third party of a request for a record if the third party provided the record and included a written statement signed by a representative of the third party that the record contains a trade secret or confidential proprietary information. Notification shall be provided within five business days of receipt of the request for the record. The third party shall have five business days from receipt of the notification from the

Authority to provide input on the release of the record. The Authority shall deny the request for the record or release the record within ten business days of the provision of notice to the third party and shall notify the third party of the decision.

E. Denial of Request

1. If the Open-Records Officer denies a request for access to a public record, whether in whole or in part, the denial shall be issued in writing and shall include:
 - (i) A description of the requested record.
 - (ii) The specific reasons for the denial, including citation of the supporting legal authority in the RTKL, this Resolution, or other applicable law.
 - (iii) The typed or printed name, title, business address, business telephone number and signature of the Open Records Officer on whose authority the denial was issued.
 - (iv) Date of response.
 - (v) Procedure for the requester to appeal a denial of access.

F. Appeal of a Denial

1. If a written request for access to a public record is denied or deemed denied, the requester may file an appeal with the Office of Open Records within fifteen business days of the mailing date of the Open Records Officer's response or deemed denial.

Section 6
Fee Structure

- A. Duplication Fee. Pursuant to Section 1307 of the RTKL, fees for duplication of public records are established from time to time by the Office of Open Records. Attached hereto and marked Exhibit "B" is a copy of the current Fee Structure established by the Office of Open Records. The Authority hereby adopts the maximum allowed fee of \$0.25 per page for copies as set forth in the current Fee Structure established by the Office of Open Records. In the event the Office of Open Records increases the maximum allowed fee for copies, the Authority may by motion duly passed by the Board of the Authority adopt all or any portion of the increase in the maximum allowed fee for copies. The duplication fee applies to either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5" x 11" page.
- B. Certification Fee. The Authority hereby establishes a fee of \$25.00 per record for official certification of a copy of a record. The requester must request certification in writing and pay the certification fee at the time the request for certification is made. The certification fee does not include notarization fees. The Authority may from time to time increase or decrease the certification fee herein established by motion duly passed by the Board of the Authority.
- C. No fees may be imposed for a review of a request or for a review of a record to determine whether the record is a public record or financial record subject to access pursuant to the RTKL.

- D. Pursuant to Section 1307 (g) of the RTKL, the Authority may charge a fee for the reasonable costs necessarily incurred by the Authority for complying with the request.

Section 7
Record Retention and Website Publication Policies

The Authority may from time to time establish, modify and rescind by motion duly adopted by the Board policies regarding the retention of Authority records and the publication thereof on the Authority's website; provided all such policies shall be in compliance applicable provisions of law.

Section 8
Effective Date

This Resolution shall take effect on the date of its adoption.

Section 9
Repeal

All resolutions or parts of resolutions which are contrary to or conflict with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

Section 10
Public Meeting

It is acknowledged that this Resolution is being duly adopted by the Authority at a public meeting held on the 20th day of January, 2009.

**Section 11
Severability**

If any provision, sentence, clause, section or other part of this Resolution is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this Resolution.

**Section 12
Short Title Name**

The short title name of this Resolution shall be the "Right-To-Know Resolution".

ADOPTED this 20th day of January, 2009.

PENN TOWNSHIP SEWAGE AUTHORITY:

By: *Bruno Cinti*
Bruno Cinti, Chairman

Attest:

A.P. Nuzzo
A.P. Nuzzo, Secretary

(Authority Seal)



**PENN TOWNSHIP SEWAGE AUTHORITY
1032 Nike Site Road
Irwin, PA 15642**

724-744-4333
724-744-0505

RIGHT-TO-KNOW REQUEST FORM

Date Requested: _____

Request Submitted By: _____

Name of Requester: _____

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 No

Do you want to inspect the records? Yes No

Do you want certified copies of records? Yes No

Right to know officer: Stanley J. Caroline

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).**

Exhibit "A"

Open Records

Open Records > Fees

- About the Office
- Contact Us
- Right-To-Know-Law
- Citizens' Guide
- FAQs
- Forms
- Fees
- Guides
- Final Determinations
- Advisory Opinions
- Advisories
- Appeals Process - Interim Guidelines
- Informal Mediation
- Training
- External Links
- News
- Registered Open Records Officers



pennsylvania OFFICE OF OPEN RECORDS

Fee Structure (Download: PDF Version)

Section 1307 of the Right-To-Know law requires the Office of Open Records to establish a fee structure for Commonwealth Agencies and Local Agencies. To promote uniformity among all agencies, the Office of Open Records encourages Judicial and Legislative agencies, which can set their own fees, to adopt the following fee structure. All agencies are advised that duplication fees can be waived.

The Office of Open Records establishes the following fee structure in accordance with the law. The Law requires that the Office of Open Records review the fee structure biannually. The Office will review the fee structure in June of 2009. Any updates will be placed on our website by June 30, 2009.

Fee Structure

Record Type	Fee
Copies: (A "photocopy" is either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5" x 11" page)	Between .10 per page to a maximum .25 per page.
Certification of a Record:	An agency may impose reasonable fees 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. The Office of Open Records recommends no more than \$5 per record to certify a public record. Please note that certification fees do not include notarization fees.
Specialized documents: (For example, but not limited to, blue prints, color copies, non-standard sized documents)	Actual Cost
Facsimile/Microfiche/Other Media:	Actual Cost
Redaction Fee:	No Redaction Fee May be Imposed
Conversion to Paper:	If a record is only maintained electronically or in other non-paper media, duplication fees shall be limited to the lesser of the fee for duplication on paper or the fee for duplication in the original media unless the requester specifically requests for the record to be duplicated in the more expensive medium. (Sec. 1307(e)).
Postage Fees:	Fees for Postage May Not Exceed the Actual Cost of Mailing

Please Also Be Advised:

Exhibit "B"

Statutory Fees: If a separate statute authorizes an agency to charge a set amount for a certain type of record, the agency may charge no more than that statutory amount. For example, a Recorder of Deeds may charge a copy fee of 50 cents per uncertified page and \$1.50 per certified page under 42 P.S. § 21051. Police departments have the authority to charge up to \$15 per report for providing a copy of a vehicle accident report. 75 Pa.C.S. §3751 (b)(2). Philadelphia police may charge up to \$25 per copy. *Id.* at (b)(3). State police are authorized to charge "\$5 for each copy of the Pennsylvania State Police full report of investigation." 75 Pa.C.S. §1956(b).

Inspection of Redacted Records: If a requester wishes to inspect rather than receive a copy of a record and the record contains both public and non-public information, the agency shall redact the non-public information. An agency may not charge the requester for the redaction. However, the Agency may charge for the copies it must make of the redacted material in order for the requester to view the public record. The fee structure outlined above will apply. If, after inspecting the records, the requester chooses to obtain the copies, no additional fee may be charged.

Enhanced Electronic Access : If an agency offers enhanced electronic access to records in addition to making the records accessible for inspection and duplication by a requester, the agency may establish user fees specifically for the provision of the enhanced electronic access, but only to the extent that the enhanced electronic access is in addition to making the records accessible for inspection and duplication by a requester as required by this Act. The user fees for enhanced electronic access may be a flat rate, a subscription fee for a period of time, a per-transaction fee, a fee based on the cumulative time of system access or any other reasonable method and any combination thereof. **The user fees for enhanced electronic access must be reasonable, must be pre-approved by the Office of Open Records and shall not be established with the intent or effect of excluding persons from access to records or duplicates thereof or of creating profit for the agency.** Please submit any request to the

Office of Open Records
400 North Street
Harrisburg , PA. 17120.

Fee Limitations: Except as otherwise provided by statute, the law states that **no other fees may be imposed** unless the agency necessarily incurs costs for complying with the request, and such fees must be reasonable. No fee may be imposed for an agency's review of a record to determine whether the record is a public record, legislative record or financial record subject to access in accordance with this Act. No fee may be charged for searching for or retrieval of documents. An agency may not charge staff time or salary for complying with a RTK request.

Prepayment: Prior to granting a request for access in accordance with this Act, an agency may require a requester to prepay an estimate of the fees authorized under this section if the fees required to fulfill the request are expected to exceed \$100.

- Once the request is fulfilled and prepared for release, the Office of Open Records recommends that the agency obtain the cost of the records prior to releasing the records. This recommendation is designed to avoid situations in which the agency provides the records and the requester fails to submit payment.

Privacy Policy | Security Policy

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