

**EAST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

RESOLUTION 09-28A

**A RESOLUTION ESTABLISHING RULES FOR
COMPLIANCE WITH THE PENNSYLVANIA RIGHT TO
KNOW LAW**

WHEREAS, Senate Bill No 1 (Act 3) was signed into law by Governor Edward G. Rendell on February 14, 2008. This legislation is effective January 1, 2009 and is called the “Right-to-Know Law”; and

WHEREAS, public records shall be accessible for inspection and duplication during regular business hours in the medium requested, if said public records exist in the requested medium and if the public records are not exempt and/or privileged pursuant to the Right-to-Know Law; and

WHEREAS, all requests for public records shall be governed by this Resolution and the aforementioned Pennsylvania Right-to-Know Law.

BE IT RESOLVED THAT the East Goshen Township Board of Supervisors hereby adopts the following rules regarding public records:

SECTION 1: REQUESTS

The Township may fulfill verbal or anonymous verbal or written requests for records under the Right-to-Know Law. Fulfillment of these requests is at the sole discretion of the Township Open Records Officer, and follows the procedure below except that a written response is not required. If the requester wishes to pursue the relief and remedies provided for in the Right-to-Know Law the request must be in writing on the form provided by the Township.

Formal requests shall be made in writing to the Township Open Records Officer hereby designated as Louis F. Smith, Jr., Township Manager on the form provided by the Township. Requests should describe the record(s) with enough specificity that the Township may easily identify the document(s). Requests may be submitted in person, by mail, e-mail or by facsimile. The requester should also provide the name and address to which the Township should address its response.

SECTION 2: FEES

Fees shall be as set forth in the current Fee Schedule, as amended. If the fees exceed \$100.00 prepayment is required.

SECTION 3: ACCESS REQUESTS

If a requested record contains both public record information as well as non-public information, the Township may redact the non-public record information from the record.

SECTION 4: RESPONSE

Upon receipt of a written request for access to a public record, the Township shall make a good faith effort to respond as promptly as possible under the circumstances existing at the time of the request. The response time shall not exceed five (5) business days from the date the written request is received by the Township. The failure of the Township to respond within five (5) business days shall be deemed a denial of the request.

If one of the following circumstances applies to the request the requestor shall be notified within five (5) business days that the request is under review, the reason for the review, and an expected date (not to exceed thirty (30) days) the material will be made available along with an estimate of any fees owed.

1. The request requires the redaction of information within a public record;
2. The request requires the retrieval of the document(s) from a remote location;
3. A timely response cannot be accomplished due to legitimate staffing limitations;
4. A legal review is necessary to determine whether the record is a record subject to access under this act;
5. Requester did not comply with the Township's policy regarding public access;
6. The requester refuses to pay fees; or
7. The extent or nature of the request precludes a response within the required time period.

Unless the requester agrees to an additional extension beyond the initial thirty (30) day period the request shall be deemed denied if the record is not provided within the initial thirty (30) day period.

SECTION 5: RECORD INSPECTION AND DUPLICATION

Records shall be available for public access only during the Township's normal business hours of 7:00 am-5:30 pm, Monday through Friday. The original of the requested record(s) may be inspected in the Township's administrative office, but in no event shall the original record be permitted to be removed from the Township's possession. Upon request, a duplicate copy of the record will be provided, but only in the form in which it exists. Records that can not be reproduced in house due to size will be sent out for reproduction and the requester notified when it is ready for pickup. Public records maintained only electronically or in other non-paper media will be duplicated by the Township on paper for purposes of both inspection and duplication.

SECTION 6: DENIAL OF ACCESS

If the request is denied or deemed denied, the following will be included with the denial:

1. Description of the record requested;
2. Specific reasons for the denial, including a citation of supporting legal authority;
3. Typed or printed name, title, business address, business telephone number and signature of the Open Records Officer on whose authority the denial was issued;
4. Date of response; and
5. Appeal procedure.

SECTION 7: APPEAL PROCEDURE

The appeal 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 in writing to Terry Mutchler, Executive Director, Pennsylvania Office of Open Records (OOR), Commonwealth Keystone Building, 400 North Street, Plaza Level Harrisburg, PA 17120-0225, stating the basis on which the requester believes the requested records are a public record. The OOR will make a determination of the exceptions within thirty (30) days of receipt of the appeal or the appeal shall be deemed denied.

Appeals of criminal records 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 in writing to Joseph W. Carroll, District Attorney of Chester County, P.O. Box 2746, West Chester, PA 19380-0989.

SECTION 8: REPEALER

All resolutions or parts of resolutions which are inconsistent herewith are hereby repealed.

RESOLVED AND ADOPTED, this 14th day of April 2009.

ATTEST:

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS**

Secretary

