

## **MT. PLEASANT TOWNSHIP** **OPEN RECORDS POLICY**

It is the intent of Mt. Pleasant Township to make its public records available to the public in the most convenient and efficient manner possible. The Township recognizes the requirements of Act 3 of 2008, the new Open Records Law and will meet the obligations of that Act fully.

**Contact Person** - The Township Manager is the official keeper of all Township records and is the official Open Records Officer as described in Act 3 of 2008. The Manager has the responsibility to ensure the integrity and safety of the Township's records and that they are properly kept in accordance with the Records Retention Act. Records shall be provided in the medium requested, if available, otherwise, the record will be provided in the medium in which it is currently available. All official requests for records shall be made to the Township Secretary.

**Requests** - Public records will be made available for inspection at the Township Municipal Building located at 31 McCarrell Road, Hickory, PA 15340 during normal business hours, Monday-Friday, 8:00 a.m. to 4:00 p.m., with the exception of holidays. Requests shall be in writing on a form provided by the Township or the State Office of Open Records Uniform Request Form, both are attached. The form shall include the date of the request, name, address and telephone number of requester, and a clear description of the records sought. The Township does not accept verbal or anonymous requests. Written requests can be submitted in person at the address listed above, by mail to the address listed above, by fax to (724)356-7751, or by e-mail to [mpt@mpt-pa.com](mailto:mpt@mpt-pa.com). The Township is not responsible for failed electronic mail requests.

**Response** - The Township will make a good faith effort to promptly respond to the request as feasibly possible and will be fulfilled or denied within five (5) business days. The Township will cooperate with those requesting 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.

The Township Manager shall review all requests for access to public records and respond within the timeline required. If it determined that the request needs an extension of time, up to thirty days (30), due to any of the following reasons a written notice will be sent within five (5) business days noting the delay and the reason for said delay and the reasons are as follows: redaction is required; records are stored in a remote location; bona fide and specified staffing limitations; legal review is necessary to determine whether the record is accessible; requester has not complied with agency policies or requester refuses to pay applicable fees. The Township Manager shall respond to all requests in a manner consistent with Act 3 of 2008, the new Open Records Law. Failure to meet any deadlines established is a deemed denial.

It is recognized that the Township is also in possession of records that may not be public or may be confidential, in accordance with the guidelines in Act 3 of 2008, the new Open Records Act. In such cases the Manager will consult the Solicitor for his review. Those records may not be allowed to be released in total and may require some redaction. If the record is an employee record and said employee has a question about the release of a record, that employee shall contact the Township Manager as soon as possible. The internal review shall not delay the compliance of the five day time period unless an extension is required.

**Retention of Records** – Records compiled on behalf of a requester will be discarded if not picked up by the requester within 60 days of the Township's response and the Township will retain all fees.

**Fees** – Any fees charged shall be in accordance with the fees established by the State Office of Open Records and reflected in the township Fee Schedule Resolution. Fees are to be paid in full before release of requested documents and any fees estimated to be \$100.00 or greater shall be paid in advance of document retrieval.

**Appeals Process** - If a written request is denied or deemed denied, the requester may file an appeal within fifteen (15) business days of the mailing date of the Township's denial to the Office of Open Records who will then assign an appeals officer. The appeal shall state the grounds for asserting openness and shall address the grounds of the Township's denial.

The appeals officer must make a written final determination, with explanation, within thirty (30) days of the mailing date of the decision. Failure to meet that date is a deemed denial. The appeals officer may conduct a hearing on the matter. The determination is a final order, and is sent to both the requester and the Township.

Appeals from determinations of the appeals officer relating to local agencies, or a deemed denial by an appeals officer, are filed with the Washington County Court of Common Pleas or to the District Attorney's Office for Police Records, within thirty (30) days of the mailing date of the decision. The petition for review constitutes a stay on the release of the documents until a decision is rendered by the court.

### **Miscellaneous Provisions**

Act 3 of 2008, the new Open Records Act applies to "requests...made" after December 31, 2008. Any statute in conflict supersedes this statute. All provisions of this act are severable. The prior Right-to-Know law is repealed; any reference to it in another statute is considered a reference to the new law. Act 3 of 2008, the new Open Records Act takes effect January 1, 2009.

### **Disclosure**

This policy should not be construed as an entire interpretation of the new law and does *not* include definitions of records. It is merely guidelines for the Township to follow. Mount Pleasant Township will adhere to all rules and regulations provided for in Act 3 of 2008 with the guidance of the Township Solicitor. Some matters of interpretation may be modified by action of the Open Records Office of Pennsylvania.

*Contact information and request form to follow. You may either use the attached form or the uniform request form provided by the state.*

**Contact Information:**

Mount Pleasant Township  
31 McCarrell Road  
Hickory, PA 15340  
Phone: 724.356.7974  
Fax: 724.356.7751  
Website: [www.mpt-pa.com](http://www.mpt-pa.com)  
E-mail: [mpt@mpt-pa.com](mailto:mpt@mpt-pa.com) – Titled: Open Records Request  
Open Records Officer: Darla Protch  
Public Information Officer (for public safety requests): Chief Matthew Tharp

**Appeals of Township Records:**

Liz Wagenseller, Executive Director  
Office of Open Records  
333 Market Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17101-2234  
Phone: 717.346.9903  
Fax: 717-425-5343  
Website: <http://openrecords.state.pa.us>  
E-mail: [openrecords@state.pa.us](mailto:openrecords@state.pa.us)

**Appeals of Criminal Records:**

Washington County District Attorney  
Jason M. Walsh  
Washington County Courthouse  
Suite 1003  
1 South Main Street  
Washington, PA 15301  
Phone: 724.228.6790  
Fax: 724-250-6515  
Website: [www.co.washington.pa.us](http://www.co.washington.pa.us)  
Hours: 9:30 am – 4:00 pm, Monday - Friday





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

**MOUNT PLEASANT TOWNSHIP, WASHINGTON COUNTY**

**DATE REQUESTED:**

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

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

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

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

**TELEPHONE NUMBER:** \_\_\_\_\_

**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:** *Darla Protch*

**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.)*