

KELLY TOWNSHIP
RIGHT-TO-KNOW LAW POLICY

Kelly Township (“Township”) adopts this policy pursuant to Section 504(a) of the Right-to-Know Law, 65 P.S. §§67.101-67.3104 (“RTKL”). The Township has made this policy available to the public at its administrative office and on its public website along with the Township Request Form.

ALL PUBLIC RECORDS, as defined by law, of Kelly Township (“Township”) shall be open to the public for examination and reproduction during normal business hours subject to the following:

1. **Definitions.** All of the definitions set forth in the RTKL are incorporated into this policy by reference. For a complete list of the definitions set forth in the RTKL, see 65 P.S. §67.102.

Business day. The regular business hours of the Township are Monday through Friday from 9:00 a.m. to 1:00 p.m. Business days exclude Saturday and Sunday and a weekday on which the Township is closed for business.

TORO. The Township Open Records Officer designated by the Township pursuant to Section 3 of this policy.

2. **Township Website.** The Township maintains a public website at www.kellytwp.org. The following information is posted on the Township’s website: TORO contact information; contact information for the Office of Open Records (“OOR”) and any other applicable appeals officer; a form which may be used to file a RTKL request; and a copy of this policy.

3. **Submitting a RTKL Request to the Township.**

A. *Open Records Officer.* The Township has designated a TORO to respond to RTKL requests.

The contact information for the TORO is:

Karen J. Terry, Township Open Records Officer

By Mail: 551 Zeigler Road, Lewisburg, PA 17837

In Person: 551 Zeigler Road, Lewisburg, PA 17837

Phone: (570) 524-0437

Fax: (570) 524-0433

Email: secretary@kellytwp.org

The contact information for the TORO is also posted on the Township website.

B. *Request.* Requests must be submitted in writing using the Township Request Form available on the Township website and must be addressed to the TORO. The request may be submitted in person, by mail, by facsimile or by email.

The request shall contain a detailed description of the records requested, the name and address of the person or entity requesting the records and whether the request is to examine, copy the records or both examine and copy the records. If a requester chooses not to use the Township Request Form, the request will be considered an informal request, not subject to the RTKL. This means that the requester cannot pursue the relief and remedies provided for in the RTKL.

To allow the Township to locate requested records and determine whether those records are public, requests for records should be specific and concise and clearly identify, as precisely as possible, the records sought. If the record requested contains both Public Records and records exempt from access, the Township will permit the examination and copying of the Public Records, but not the records exempt from access.

Requesters should clearly indicate the preferred method of access – paper copies, electronic copies or by inspection. Requests for copies of Public Records will be provided in the medium in which they exist. The TORO is not required to create a record that does not exist or to compile, maintain, forward or organize a record in a manner that the Township does not already use.

A requester should retain a copy of the request, as a copy of the request is necessary should a requester appeal the Township response.

C. *Receipt of the request.* For the purpose of calculating the response deadline, the Township is deemed to have received the request on the business day that the TORO receives the request. Any request that is received by the Township after the close of regular business hours shall be deemed to be received on the next business day. If the request is received by a Township employee other than the TORO, the request will be forwarded to the TORO as soon as practical.

D. *Verbal requests.* The Township will respond to verbal requests for records at its discretion. Requesters submitting verbal requests for records should be aware that they may not pursue the remedies available to a requester under the RTKL.

E. *Anonymous requests.* The Township will not respond to anonymous requests for records.

F. *Response period generally.* The Township has five (5) business days to respond to a request for records under the RTKL. If the Township does not respond, the request is considered “deemed denied,” and a requester’s appeal rights commence.

4. **Township Response.**

A. *Extension of time for response.* The Township is permitted to take an additional thirty (30) calendar days to respond to any request for the reasons set forth below and shall notify the requester of the same and provide an estimated date by which the TORO will respond. In no event shall the date of the response be more than thirty-five (35) days from the date of the request, unless the requester agrees to a later date. The only reasons permitted for the extension of the date of the response are as follows:

- (1) Public Records must be separated from records exempt from access.
- (2) The records must be obtained from a remote location.
- (3) Due to bona fide and specified staffing limitations.
- (4) A legal review of the request is necessary to determine if the record request is subject to access.

(5) The requester has not complied with Township's policies regarding access to the records.

(6) The requester has refused to pay the appropriate fees.

(7) The extent and nature of the request precludes a response within five (5) business days.

B. *Requester's agreement to extend the response period.* The requester may agree, in writing, to extend the Township response period. The requester must agree to the extension during the initial five (5) business-day response period or the extended thirty (30) calendar day response period, if the Township has invoked one.

C. *Trade Secrets.* If a request involves records provided to the Township by a third party and the third party previously provided the Township with a written statement that the record contains a trade secret or confidential proprietary information, the Township shall provide notice to the third party.

D. *Final Response.* The Township may grant a request, partially grant and partially deny a request, or deny a request in its entirety. The final response of the Township shall be in writing and shall be provided to the requester within five (5) business days of the request or within the time estimated or agreed to for a response, as the case may be. Should the Township fail to issue a response within the applicable response period, the request is deemed denied.

1. *Granting access to records.* The Township may grant a request for records by issuing a response: (1) granting access to inspect Township records during the Township's regular business hours; (2) sending copies of the records to the requester; or (3) by notifying the requester that the records are available on the Township website or other publicly accessible electronic means. Copies of requested Public Records will be mailed to the requester unless the volume is such that, in the sole opinion of the TORO, mailing the same would create a burden, in which case the requester will be notified that the same are available at the office of the TORO and may be obtained during normal business hours. If the records are not obtained within sixty (60) days of said notification, said records will be destroyed.

2. *Denying or partially denying access to records.* Should the Township deny or partially deny a request for records through redaction or otherwise, the Township will inform the requester of the denial or partial denial in writing within five (5) business days of the request or within the time estimated or agreed to for a response, as the case may be. The written response shall include:

- (a) A description of the record requested.
- (b) The specific reason for the denial, citing the legal authority for the denial.
- (c) The name, title, business address, business telephone number and signature of the TORO.
- (d) The date of the response.
- (e) The procedure to appeal the denial of access.

E. *Fees.* The Township will charge fees consistent with the RTKL Fee Structure as follows:

(1) Photocopies – per page	\$0.25
(2) Certification of a Public Record	\$5.00
(3) Specialized documents	actual cost
(4) Facsimile/microfiche/other media (if available)	actual cost
(5) Postage	actual cost

If the estimated fees exceed \$100.00, the requester shall be required to prepay the estimated fees.

5. **RTKL Appeals.**

A. *Generally.* To challenge the denial, partial denial, or deemed denial of a request for Township records, an appeal may be filed using the OOR appeal form, available at <http://www.openrecords.pa.gov/Appeals/AppealForm.cfm>, or by contacting the OOR at the

following address:

Office of Open Records
Commonwealth of Pennsylvania
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
openrecords@pa.gov

Criminal investigative records. To challenge the denial of a request or portion of a request on the basis that records were withheld because they are related to criminal investigative records, an appeal should be filed by contacting:

Union County District Attorney's RTKL Chapter 11 Appeals Officer
Union County Courthouse
103 S. Second Street
Lewisburg, PA 17837

B. Requirements of an appeal. All appeals must be filed within fifteen (15) business days of the mailing date of the Township's denial, partial denial, or deemed denial of the request. All appeals must be in writing; must state the grounds upon which the requester asserts that the requested records are public records; must address any grounds stated by the Township for denying the request; and must include a copy of the request and the Township's response, if any. The appeals officer shall make a determination within thirty (30) days of the receipt of a timely filed appeal.

6. **Township Notification of Third Parties on Appeal.**

Township must notify third parties. If records affect a legal or security interest of an employee of the Township; contain confidential, proprietary or trademarked records of a person or business entity; or are held by a contractor or vendor, the Township must notify such parties of the appeal immediately and provide proof of that notice to the OOR within seven (7) business days from the date of the OOR's Official Notice of Appeal. Such notice must be made by (1) providing a copy of all documents included with the appeal to the OOR; and (2) advising that interested persons may request to participate in the appeal.

7. **Mediation.** The RTKL requires the OOR to establish an informal mediation process to resolve disputes under the RTKL. This is a voluntary process to help parties reach a mutually agreeable settlement on records disputes before the OOR. Mediation, a facilitated conversation between the parties that can serve as a fair and efficient tool to resolve conflict, can save time and expense. When appropriate, the Township is open to resolving RTKL disputes through the OOR's mediation process.

8. **Record Retention.** The Township has by Resolution declared its intent to follow the schedules and procedures for disposition of records as set forth in the Municipal Records Manual approved on December 16, 2008, as amended.

Notwithstanding the above record retention policy, once a RTKL request is received, the Township shall maintain, preserve, retain, protect, and not destroy any and all records, both electronic and hard copy, that are potentially responsive to the request until such time as the request is fulfilled and all associated appeals are resolved.

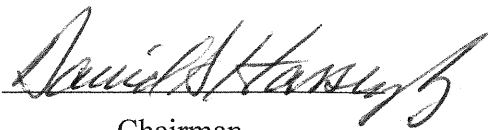
9. **Additional Information about the RTKL.** Additional information about the RTKL, the request process, and the appeal process is available on the OOR website at <https://www.openrecords.pa.gov>.

Adopted this 7th day of September, 2021.

ATTEST:

Kelly Township Board of Supervisors


Secretary

BY: 
Chairman