LANCASTER COUNTY HOUSING AND REDEVELOPMENT AUTHORITIES RIGHT TO KNOW POLICY

SECTION 1. Purpose

The purpose of this policy, which shall be known as the "Lancaster County Housing and Redevelopment Authorities Right to Know Policy", is to provide for access to public records, and assure compliance with Pennsylvania's Right to Know Law, Act of 2008, Feb. 14, P.L. 6, No. 3 (65 P.S. § 66.1 et seq.) and any amendments thereto.

SECTION 2. Definitions

The following terms when used in this Policy shall have the meanings set forth in this section unless the context clearly indicates otherwise:

A. "Business day" shall mean any day other than a Saturday, Sunday, holiday or other day when County employees are not required to be at work (this does not include those departments which operate on a twenty-four hour basis).

B. "Authority" shall mean the Redevelopment Authority of the County of Lancaster, Pennsylvania, the Lancaster County Housing Authority, and the Lancaster County Land Bank Authority.

C. "Open Records Officer" shall mean any Authority official or employee designated to act on behalf of the Authority pursuant to the Right to Know Law.

D. "Privilege" shall mean the attorney-work product doctrine, the attorney-client privilege, the doctor-patient privilege, the speech and debate privilege or other privilege recognized by a court interpreting the laws of the Commonwealth of Pennsylvania.

E. "Public Record" shall mean a record which is subject to inspection and/or duplication pursuant to the Right to Know Law.

F. "Record" shall mean information, regardless of physical form or characteristics, which documents a transaction or activity of the Authority and is created, received or retained pursuant to law or in connection with a transaction, business or activity of the Authority. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and a data-processed or image-processed document.

G. "Regular business hours" shall mean 7:30 AM to 4:30 PM Monday through Thursday and 7:30 AM to 12:00 PM on Friday.

H. "Requester" shall mean a person that is a legal resident of the United States and requests a record pursuant to the Right to Know Law. This term also includes an agency.

I. "Response" shall mean access to a record or the Open Records Officer's written notice to a requester granting, denying or partially granting and partially denying access to a record.

J. "Right-to-Know Law" shall mean Act of 2008, Feb. 14, P.L. 6, No. 3 (65 P.S. §66.1 et seq.) as amended from time to time.

SECTION 3. Responsibilities of Open Records Officer

The Open Records Officer(s) shall:

A. Receive requests made pursuant to the Right to Know Law;

B. Act on behalf of the Authority in receiving and responding to requests for public records in accordance with the Right to Know Law;

C. Make a good faith effort to determine whether the record requested is a public record;

D. Direct requests to other appropriate persons within the Authority or to appropriate persons in another agency;

E. Track the Authority's progress in responding to requests;

F. Issue interim and final responses pursuant to the Right to Know Law;

G. Respond to requests in a manner consistent with the Authority's responsibilities and the requirements of the Right to Know Law;

H. Number and track requests to ensure compliance with the Right to Know Law;

I. Consult with the Authority's Solicitor or legal counsel as needed to address any legal issues related to a request and/or response to a request;

J. Issue updates and/or reminders to and provide training for Authority staff regarding the Right to Know Law and any amendments thereto;

K. Fulfill any and all duties and/or responsibilities set forth in the Right to Know Law and any amendments thereto.

SECTION 4. Access to Records

A. A record in the possession of the Authority shall be presumed to be a public record. The presumption shall not apply if:

- the record is exempt under section 708 of the Right to Know Law;
- the record is protected by a privilege; or
- the record is exempt from disclosure under any other federal or state law or regulation or judicial order or decree.

B. Unless otherwise provided by law, including but not limited to Pa.R.J.A. 509, a public record in the Authority's control, custody, or possession shall be accessible for inspection and duplication in accordance with the Right to Know Law.

C. In no case shall the Authority be required to create a record which does not 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.

D. A record being provided to a requester shall be provided in the medium requested, if it exists in that medium; otherwise, the record shall be provided in the medium in which it exists.

E. The Authority shall not deny a requester access to a public record due to the intended use of the public record by the requester.

F. The Authority shall not limit the number of records which may be requested by a person or made available for inspection or duplication

G. Nothing in this policy shall be construed to require access to any Authority computer or Authority employee computer.

H. If access to a public record is granted, the public record shall be made available for access during regular business hours.

I. The presence of an Authority employee is required when public records are examined or inspected.

J. The Authority may make its records available through any publicly accessible electronic means. The Authority may respond to a request by notifying the requester that the record is available through publicly accessible electronic means, or that the Authority will provide access to inspect the record electronically. If the requester is unwilling or unable to access the record electronically, the requester may, within 30 days following receipt of Authority notification, submit a written request to the Open Records Officer to have the record converted to paper. The Authority shall provide access to the record in printed form within five days of the receipt of the written request for conversion to paper.

K. A requester may have certified copies of the public record if:

- Access to the written request has been approved;
- The requester asks for a certified copy; and
- The requester pays the applicable fees.

L. The Authority may, in its discretion, allow access to an otherwise exempt record if all of the following apply:

- Disclosure of the record is not prohibited under Federal or State law or regulation or judicial order or decree;
- The record is not protected by privilege; and
- The Authority determines that the public interest favoring access outweighs any individual, agency, or public interest that may favor restricting access to the record.

M. If the Authority provides access to 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.

N. If a third party provided a record to the Authority and included a written statement signed by a representative of the third party that the record contains a trade secret or confidential proprietary information, the Authority shall notify that third party of a request for that record within 5 business days of receipt of the request. The third party shall have 5 business days from receipt of the notification from the Authority to provide input on the release of the record. The Authority shall release the record or deny the request within 10 business days of providing notice to the third party and shall notify the third party of the Authority's decision.

O. Redaction, when appropriate, shall be done in accordance with the Right to Know Law.

P. The Authority may deny 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.

Q. The Authority may deny access:

- When timely access is not possible due to fire, flood, or other disaster; or
- To historical, ancient, or rare documents, records, archives, and manuscripts when access may, in the professional judgment of the curator or custodian of the records, cause physical damage or irreparable harm to the record.

SECTION 5. Requests

Requests for records pursuant to the Right to Know Law shall be in writing. The Authority does not accept verbal requests or requests made via telephone. The Authority does not accept anonymous requests.

A. Written requests may be submitted in person, by mail, by e-mail, or by facsimile. A written request shall be addressed to the Open Records Officer and submitted as follows:

Open Records Officer, 28 Penn Square, Suite 200, Lancaster, Pennsylvania 17603, or OpenRecords@lchra.com, or by fax at (717) 394-7635.

B. A written request should identify or describe the records sought with sufficient specificity to enable the Authority to ascertain which records are being requested and shall include the name and address to which the Authority should address its response.

C. A written request shall be submitted on the Right to Know Request Form provided by the Commonwealth of PA, the County of Lancaster or on a request form provided by the Authority. The Authority will not respond to requests that are not submitted pursuant with one of the approved forms.

D. All employees of the Authority are directed to forward written requests made pursuant to the Right to Know Law to the Open Records Officer in a timely manner.

E. A written request need not include any explanation of the requester's reason for requesting or intended use of the records unless otherwise required by law.

F. A request received by the Open Records Officer after the close of regular business hours shall be deemed to have been received on the following business day.

SECTION 6. Response

A. Upon receipt of a written request for access to a record, the Authority shall:

- Make a good faith effort to determine if the record requested is a public record and whether the Authority has possession, custody, or control of the record; and
- Respond as promptly as possible under the circumstances existing at the time of the request.

B. If the Authority fails to respond to the request within 5 business days of receipt by the Open Records Officer, the request shall be deemed denied.

C. If there is a basis for an extension of time in responding to the request pursuant to Section 902(a) of the Right to Know Law, the Open Records Officer shall provide the requester with notice in accordance with Section 902 (b).

D. If the Authority denies the written request for access, the Open Records Officer shall issue a denial in writing and in accordance with Section 903 of the Right to Know Law.

E. If the Authority's response to a requester states that copies of the requested records are available at the Authority offices and the requester fails to retrieve the records within 60 days of the Authority's response, the Authority may dispose of any copies which have not been retrieved and retain any fees paid to date.

F. Whenever a period of time is referred to in this Policy, the period shall be computed so as to exclude the first day and include the last day of such period.

SECTION 7. Appeals

Upon denial of a written request, the requester may file an appeal with the Commonwealth Office of Open Records. The appeal must be filed within 15 business days of the mailing date of the Authority's response or deemed denial.

SECTION 8. Fees

A. All applicable fees shall be paid in order to receive access to the requested record.

B. Postage fees may not exceed the actual cost of USPS first-class mailing

C. Basic duplicating fees: $0.25 per page for black and white hard copies (up to 1,000), $.20 per page for black and white hard copies (beyond 1,000) and up to $.50 per page for color copies.

D. Fees for specialized documents (including, but not limited to, blue prints, non-standard sized documents) may not exceed the actual cost.

E. Fees for certified copies: $5.00 per record

F. Conversion to Paper: up to $.25 per page .The Authority may waive applicable fees when the Authority determines it is in the public interest to do so.

G. Any other fees charged by the Authority must be:

- Permitted by law or statute;
- Based on actual cost incurred by the Authority; and
- Reasonable.

H. Prior to the Authority granting a request for access under the Right to Know Law, the requester shall prepay an estimate of the authorized fees if the fees required to fulfill the request are expected to exceed one hundred dollars ($100.00).

SECTION 9. Posting

A copy of this Policy shall be posted in the Authority's office. A copy of this Policy, any applicable forms, and contact information for the Open Records Officer, shall be made available on the Authority's website.