

CITY OF HARRISBURG
RIGHT-TO-KNOW LAW POLICY
(Updated 01/26/09)

This Policy shall take effect January 1, 2009. The purpose of this policy is to assure compliance with the Pennsylvania Right-to-Know Law, 65 P.S. § 66.1 et seq., as amended, to provide access to public records of The City of Harrisburg, to preserve the integrity of the records of The City of Harrisburg, and to minimize the financial impact to the residents of The City of Harrisburg regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

It is the policy of City of Harrisburg to require the presence of a designated office when public records are examined and inspected and to charge reasonable fees for duplication of public records of the City of Harrisburg. The City of Harrisburg Law Bureau is designated as responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines:

1. The Law Bureau may designate certain employee(s) to process public records requests.
2. The Law Bureau is responsible for minimizing, where possible, the financial impact to the City regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.
3. All requests for public records of the City under this policy shall be specific in identifying and describing each public record requested. In no case shall the City be required to create a public record which does not exist or to compile, maintain, format or organize a public record in a manner in which the City does not currently compile, maintain, format or organize the public record. All requests for public records shall be submitted in writing and on a form provided by the City, as attached hereto, entitled "City of Harrisburg Public Record Review/Duplication Request".
4. The designated employee shall make a good faith effort to determine whether each record requested is a public record.
5. The Law Bureau shall facilitate a reasonable response to a request for City public records. In no case is the City expected to provide extraordinary staff to respond to the request, but will respond in a manner consistent with the City's administrative responsibilities and consistent with the requirements of the Pennsylvania Right-to-Know Law.

6. The designated employee shall respond to the requester within five (5) business days from the date of receipt of the written request. If the City does not respond within five (5) business days of receipt thereof, the request is deemed denied.
7. The response provided by the City shall consist of review of the request by the designated employee and either: (1) approval for access to the public record; or (2) denial of access to the record requested.
8. If access to the public record requested is approved, the public record shall be available for access during regular business hours of the City. The designated employee shall cooperate fully with the requester, while also taking reasonable measures to protect City public records from the possibility of theft, vandalism and/or modification. The presence of a designated employee is required when public records are examined and inspected.
9. Fees for duplication of public records shall be as follows:
 - (a) \$.25 per page
 - (b) Duplication of public electronic and/or tape records: actual cost to the City of duplicating the public record.
 - (c) Postage: actual cost to the City of mailing the public record.

The City may, in its discretion, waive fees.
10. In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed \$100.00, the designated employee(s) shall obtain fifty (50%) percent of the expected cost in advance of fulfilling the request to avoid unwarranted expense of City resources.
11. If the request is being reviewed, the notice provided by the City shall be in writing and include the reason for the review and the expected response date, which shall be within thirty (30) days of the notice of review. If the City does not respond within thirty (30) days thereof, the request is deemed denied. Review of the request is limited to situations where:

- (a) The record requested contains information which is subject to access, as well as information which is not subject to access that must be redacted prior granting access. The redacted information is considered a denial as to that information;
 - (b) The record requires retrieval from a remote location;
 - (c) A timely response cannot be accomplished due to staffing limitations;
 - (d) A legal review is necessary to determine whether the record requested is a public record;
 - (e) The requester has failed to comply with the City's policy and procedural requirements; or
 - (f) The requester refuses to pay the applicable fees.
12. If access to requested information is denied, the notice provided by the City shall be in writing.
13. If the request is denied or deemed denied, the requester may appeal in writing to, Office of Open Records, Commonwealth Keystone Building 400 North Street, 4th Floor, Harrisburg, PA 17120 within fifteen (15) days of the mailing date of the City's notice of denial, or within fifteen (15) days of a deemed denial.
14. Appeals of denials of Police records must go to the District Attorney or, if appropriate, the Attorney General of the Commonwealth.