

Carlisle Borough
53 West South Street
Carlisle, PA 17013

Access to Public Records Policy

Section 1. Purpose.

This policy shall implement and govern the release of public records by personnel of Carlisle Borough. It is intended to comply with the Right to Know Law of Pennsylvania, 65 P.S. §67.101 *et seq.*, as amended, and where the provisions of this policy conflict with any provision of the Act, the latter shall control.

Section 2. Definitions.

- a) ACT – The Act commonly known as the Right to Know Law of Pennsylvania or the Pennsylvania Right to Know Law, 65 P.S. §67.101 *et seq.*, as amended.
- b) BOROUGH – Carlisle Borough, Cumberland County, Pennsylvania, and all of its respective elected and appointed officials and employees.
- c) PUBLIC RECORD – A Borough record, including a financial record, that:
 - 1) Is not exempt under section 708 of the Act;
 - 2) Is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or
 - 3) Is not protected by a privilege.
- d) RECORD – Information, regardless of physical form or characteristics, that documents a Borough transaction or activity and that is created, received or retained pursuant to law or in connection with a Borough transaction, business or activity. 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.
- e) REQUESTER – A person that is a legal resident of the United States and requests a record pursuant to this Act. The term includes an agency.

Section 3. Denial of access to persons who are not requestors.

The Borough shall deny access to public records to any person who is not a requester.

Section 4. Record not accessible as public record.

No record, other than a public record, shall be made available to a requester. The Borough shall not be required to create a public record which does not currently exist or to compile, maintain, format or organize a public record in a manner in which the Borough does not currently compile, maintain, format or organize the public record.

Section 5. Procedure for requesting a public record.

- a) A request for access to a public record should be written and submitted in one of the following methods: In person at the Borough of Carlisle; by mail to Attn: Open Records Officer, Carlisle Borough, 53 West South Street, Carlisle, PA 17013, by email to Joyce Stone (Jstone@carlislepa.org); or by facsimile to 717.240.6615

- b) A request must be written in order for the Requester to avail himself of the rights and remedies under the Act. An email request shall be considered a written request.
- c) Form of Request. The request shall be addressed to the person designated above and shall:
 - 1) Describe the public records sought as detailed as possible.
 - 2) Include the name and address of the requester.
 - 3) The requester shall use the "Public Records Request Form," a copy of which is attached hereto as Appendix 1. The Borough shall make this form available to requesters.

Section 6. Prohibitions.

- a) The Borough shall not require the requester to disclose the purpose or motive in requesting access to public records.
- b) The Borough shall not limit the number of public records that may be requested or made available for inspection or duplication.

Section 7. Time when public record is made available.

- a) Public records shall be available for access during the regular business hours of the Borough as 7:30 AM to 4:30 PM.
- b) Public records will not be available for access when the Borough offices are closed during non-business hours, weekends, holidays, or for other reasons of exigency or emergency.

Section 8. Form and release of public record.

- a) A public record shall be provided to a requester in the medium requested if the public record exists in that medium; otherwise, it shall be provided in the medium in which it exists.
- b) The Borough may make its public records available through any publicly accessible electronic means.
- c) Conversion of an electronic public record to paper. If a public record is only maintained electronically or in other non-paper media, the Borough shall, upon request, duplicate the public record on paper when responding to a request for access.
- d) Release by mail.
 - 1) If not otherwise requested by the requester, the Borough shall send the requested public records by regular mail, or at the option of the Borough, may send the public records by electronic mail to those requesters capable of receiving electronic mail.
 - 2) The requester may request delivery of the public records by mail, facsimile, express mail, email or other customarily available methods. The Borough shall make a good faith effort to send the public records by the method requested.
 - 3) The postage or other actual fees for delivery shall be charged to the requester.

e) In person.

- 1) If a requester desires to receive the public records in person, he may communicate his request verbally or in writing by mail, facsimile or email to the Borough to retain the records for pick-up at the Borough Office.
- 2) Upon receiving the request, the Borough shall make a good faith effort to hold the requested public records at the Borough Office for a reasonable period of time, which shall not exceed sixty (60) days.

Section 9. The Borough's response to requests.

a) Notice of the Borough's decision.

- 1) The Borough shall respond within five (5) business days by providing the requested public records, extending the time for response, denying the request or partially granting and partially denying the request.
- 2) The Borough shall respond in writing unless the request was made in another medium, in which event its response may be in both writing and the medium in which the request was made.

b) Extensions. If the Borough determines that one of the following applies, it shall send written notice to the requester within five (5) business days of the request that it is being reviewed, the reason for the review and a reasonable date that a response is expected to be provided:

- 1) The request for access requires redaction of a public record in accordance with Section 11 of this policy.
- 2) The request for access requires the retrieval of a record stored in a remote location.
- 3) A timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations.
- 4) A legal review is necessary to determine whether the record is a public record.
- 5) The requester has not complied with the Act or this policy regarding access to public records.
- 6) The requester refuses to pay applicable fees authorized by Section 12 of this policy.
- 7) The extent or nature of the request precludes a response within the required time period.

c) Deemed Denial.

The Borough's failure to comply with the time limitations set forth in paragraph (a) shall be deemed to be a denial of the request. If the Borough's response under paragraph (b) is expected to be provided in excess of thirty (30) days, following the five (5) business days allowed in paragraph (a), the request shall be deemed denied.

d) Denial.

If the Borough response is a denial of the request, whether in whole or in part, a written response shall be issued and include:

- 1) A description of the record requested.

- 2) The specific reason for the denial, including a citation of supporting legal authority. If the denial is the result of a determination that the record requested is not a public record, the specific reasons for the Borough's determination that the record is not a public record shall be included.
- 3) The typed or printed name, title, business address, business telephone number and signature of the public official or public employee on whose authority the denial is issued.
- 4) The date of the response.
- 5) The procedure to appeal the denial of access.

Section 10. Exceptions and final Borough determination.

- a) If a written request for access is denied or deemed denied, the requester may file an appeal to the Pennsylvania Office of Open Records within fifteen (15) business days of the mailing date of the Borough's denial or within fifteen (15) days of a deemed denial.
- b) The exceptions shall state the grounds upon which the requester asserts that the record is a public record and shall address any grounds stated by the Borough for delaying or denying the request.

Section 11. Redaction.

- a) If the requested public records include information that is not subject to public access, the Borough may redact that information.
- b) The information which the Borough redacts shall be deemed a denial under Section 9 of this policy and the Borough shall give a written response to the requester in accordance with that Section.

Section 12. Disruptive requests.

The Borough may deny a requester 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 Borough. A denial under this subsection shall not restrict the ability to request a different record.

Section 13. Fees.

- a) The Borough shall charge the requester the actual fees for postage for mailing the public records. When another means of delivery is requested, such as express mail or facsimile, the Borough shall charge the requester the actual delivery fees incurred by the Borough.
- b) Duplication. Fees for duplication by photocopying, printing from electronic media or microfilm, copying onto electronic media, transmission by facsimile or other electronic means and other means of duplication shall be determined by the Borough from time to time, but shall be in conformity with those established by the PA Office of Open Records and be otherwise reasonable and based on prevailing fees for comparable duplication services provided by local business entities. The current list of fees is attached to this Policy as Appendix 2.
- c) Certification. The Borough will impose reasonable fees, as determined by it from time to time, for official certification of copies when the certification is at the behest of the requester and is for the purpose of legally verifying the public record. The current certification fee is listed on Appendix 2.
- d) Conversion to paper. If a public record is only maintained electronically or in other non-paper media, duplication fees shall be limited to the lesser of the fee for duplication on paper or the fee for duplication in the native media as provided by subsection (b) unless the requester specifically requests for the public record to be duplicated in the more expensive medium.
- e) Enhanced electronic access. If the Borough offers enhanced electronic access to public records in

addition to making the public records accessible for inspection and duplication by a requester, the Borough will, from time to time, establish user fees specifically for the provision of the enhanced electronic access, but only to the extent that the enhanced electronic access is in addition to making the public records accessible for inspection and duplication by a requester as required by law. The user fees for enhanced electronic access may be a flat rate, a subscription fee for a period of time, a per-transaction fee, a fee based on the cumulative time of system access or any other reasonable method and any combination thereof. The user fees for enhanced electronic access shall be reasonable and may not be established with the intent or effect of excluding persons from access to public records or duplicates thereof or of creating profit for the Borough. If offered, the fees for this service are listed on Appendix 2.

f) Waiver of fees. The Borough may waive the fees for duplication of a public record including, but not limited to, when:

- 1) The requester duplicates the public record; or
- 2) The Borough deems it is in the public interest to do so.

In either event, the determination as to waiver of fees, in whole or in part, shall be made by the Borough Open Records Officer or his designee.

g) If the expected fees to fulfill the request exceed \$100, the Borough may require the requester to prepay the estimate of the fees.

Section 14. Posting of policy.

This policy shall be conspicuously posted at the Borough office and may be made available by electronic means.



Standard Right-to-Know Law Request Form

Good communication is vital in the RTKL process. Complete this form thoroughly and retain a copy; it is required should an appeal be necessary. You have 15 business days to appeal after a request is denied or deemed denied.

SUBMITTED TO AGENCY NAME: _____ (Attn: AORO)

Date of Request: _____ Submitted via: Email U.S. Mail Fax In Person

PERSON MAKING REQUEST:

Name: _____ Company (if applicable): _____

Mailing Address: _____

City: _____ State: _____ Zip: _____ Email: _____

Telephone: _____ Fax: _____

How do you prefer to be contacted if the agency has questions? Telephone Email FAX U.S. Mail

RECORDS REQUESTED: *Be clear and concise. Provide as much specific detail as possible, ideally including subject matter, time frame, and type of record or party names. Use additional sheets if necessary. RTKL requests should seek records, not ask questions. Requesters are not required to explain why the records are sought or the intended use of the records unless otherwise required by law.*

DO YOU WANT COPIES? Yes, electronic copies preferred if available
 Yes, printed copies preferred
 No, in-person inspection of records preferred (*may request copies later*)

Do you want **certified copies**? Yes (*may be subject to additional costs*) No
RTKL requests may require payment or prepayment of fees. See the [Official RTKL Fee Schedule](#) for more details.

Please notify me if fees associated with this request will be more than \$100 (or) \$_____.

ITEMS BELOW THIS LINE FOR AGENCY USE ONLY

Tracking: _____ Date Received: _____ Response Due (5 bus. days): _____

30-Day Ext.? Yes No (If Yes, Final Due Date: _____) Actual Response Date: _____

Request was: Granted Partially Granted & Denied Denied Cost to Requester: \$_____

Appropriate third parties notified and given an opportunity to object to the release of requested records.

Completed requests can be emailed to the Agency Open Records Officer, Joyce Stone at jstone@carlislepa.org or mailed to: Borough of Carlisle, Attn: AORO, 53 West South Street, Carlisle, PA 17013

APPENDIX 2
CARLISLE BOROUGH FEE SCHEDULE

Record Type	Fee
<u>DUPLICATION FEES:</u>	
Copies <i>(A "photocopy" is either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5" x 11" page)</i>	\$0.25 per page (First four pages free)
Zoning Ordinance:	\$50.00 *
SALDO:	\$25.00 *
Borough Maps – Large:	\$10.00
Borough Maps – Small:	\$5.00
Zoning Map – Large; Black & White:	\$10.00
Zoning Map – Large; Color :	\$20.00
Zoning Map – Small; Black & White:	\$5.00
Zoning Map – Small; Color :	\$10.00
Police Accident Reports:	\$15.00
Standard Public Works Specs:	\$50.00
<u>CERTIFICATION OF A RECORD:</u>	\$1.00
<u>FACSIMILE/OTHER MEDIA:</u>	\$0
<u>REDCATION FEE:</u>	\$0
<u>CONVERSION TO PAPER:</u>	If not noted under "Duplication Fees", will be Prevailing Fee
<u>MISCELLANEOUS CODES:</u> <i>(such as Building, Residential, Plumbing, Fire Prevention, Property Maintenance Mechanical, Energy Conservation, and Private Sewage Disposal)</i>	Prevailing Price
<u>POSTAGE FEES:</u>	Fees for Postage will not exceed the actual cost of mailing

**At or below actual cost to the Borough*