

HOUSING AUTHORITY OF THE COUNTY OF ARMSTRONG

RIGHT-TO-KNOW LAW OPEN (PUBLIC) RECORDS POLICY

February 15, 2012

The purpose of this Policy is to ensure compliance with the Pennsylvania Right-To-Know Law, 65 P.S. §66.1 et seq., as amended by Act 3 of 2008 (the "Act") and effective January 1, 2009, to provide access to all public records of the Housing Authority of the County of Armstrong ("HACA"), except for those records enumerated as exceptions to the law.

1. DEFINITIONS

Public Record - A record, including a financial record, of a Commonwealth or local agency that: (i) is not exempt under section 708 of the Act; (ii) is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or, (iii) is not protected by a privilege.

Record - Information, regardless of physical form or characteristics, that documents a transaction or activity of an agency and that is created, received, or retained pursuant to law or in connection with a transaction, business, or activity of the agency. 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.

Requester - A person that is a legal resident of the United States and requests a record pursuant to the Act. The term includes an agency.

Response - Access to a record or the HACA's written notice to a requester granting, denying or partially granting and partially denying access to a record.

2. PROCEDURE FOR ACCESS TO PUBLIC RECORDS

A. General Rules

1. Unless otherwise provided by law, a public record shall be accessible for inspection and duplication by a requester in accordance with the Act.
2. 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.
3. A public record shall be available for access during the HACA's regular business hours of Monday through Friday, 8:30AM to 4:00PM, with the exception of

holidays, at the HACA's Administrative Office located at 350 South Jefferson Street, Kittanning, PA 16201.

B. Submission of Requests

1. Requests for inspection or duplication of a record shall be submitted in writing to the HACA's Open Records Officer, on the designated Open Records Request form provided by the HACA. The HACA hereby designates the following as the Open Records Officer:

Marty Sutton, Executive Director
350 South Jefferson Street
Kittanning, PA 16201
Telephone: 724.548.7671
Fax: 724.545.6406
E-mail: msutton@hacarmstrong.org

2. Requests may be submitted in person, by mail, by facsimile transmission (fax) or by electronic transmission (e-mail).
3. Requests must identify or describe the record sought with sufficient specificity to enable the Open Records Officer to ascertain which record is being requested.
4. Requesters must provide their name and address on the form. Requestors must indicate if they are requesting a photocopy of the record, whether such needs to be certified or whether the request is to simply inspect the requested record.
5. Requester is not required to provide a reason for requesting or intended use of the record unless otherwise required by law.
6. There shall be no limitation on the number of public records that may be requested or made available for inspection or duplication.

3. RESPONSE TO REQUESTS FOR ACCESS TO PUBLIC RECORDS

A. General Rule

1. Upon receipt of a written request for access to a record, the HACA shall make a good faith effort to determine if the record requested is a public record and whether the HACA has the identified record, and respond as promptly as possible under the circumstances existing at the time of the request.
2. Response time shall not exceed five (5) business days from the date the written request is received by the Open Records Officer, unless an extension of time is warranted by one or more of the following exceptions:
 - a. the request for access requires redaction of a record;

- b. the request for access requires the retrieval of a record stored in a remote location;
 - c. a timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations;
 - d. a legal review is necessary to determine whether the record is a record subject to access under the Act;
 - e. the requester has not complied with the HACA's policy regarding access to records;
 - f. the requester refuses to pay applicable fees authorized by the Act and established in the HACA's policy; or
 - g. the extent or nature of the request precludes a response within the required time period.
3. If a request for access is granted, any applicable fees shall be paid prior to the requester receiving access to record requested.
4. If an extension of time is necessary pursuant to Section A.2 above, the HACA shall provide the requester with written notice of the extension, the reason for the extension, a reasonable date that a response is expected to be provided and an estimate of applicable fees owed when the record becomes available. An extension to provide a response shall not exceed thirty (30) days, following the initial response period of five (5) business days, unless the requester agrees, in writing, to an extension beyond the thirty (30) days.

B. Denial of Request

1. If the HACA's response to a written request for access, whether in whole or in part, is a denial, the denial shall be issued in writing and shall include:
 - a. A description of the record requested.
 - b. The specific reason for the denial, including a citation of supporting legal authority.
 - c. The name, title, business address, business telephone number and signature of the Open Records Officer on whose authority the denial is based.
 - d. Date of the response.
 - e. The procedure to appeal the denial of access under the Act.

2. If the HACA fails to send a response or notice that the request is under review within five (5) business days of receipt of the written request for access, the request shall be deemed denied.
3. If the date for providing a response after review of the written request is expected to exceed the thirty (30) period following the initial response period of five (5) business days, the request shall be deemed denied, unless the requester agreed, in writing, to an extension beyond the thirty (30) days.

C. Record Discard

If the HACA's response to a requester states that the requested records are available and the requester fails to retrieve the records within sixty (60) days of the HACA's response, the HACA may dispose of any copies which have not been retrieved and retain any fees paid by the requester.

D. Filing of an Appeal

1. If a written request for access to a record is denied or deemed denied, the requester may file an appeal, utilizing the Appeal form provided by the HACA, with the Office of Open Records within fifteen (15) business days of the mailing date of the HACA's response or fifteen (15) business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts that the record is a public record and shall address any grounds stated by the HACA for delaying or denying the request.
2. The Office of Open Records shall assign an appeals officer to review the denial, except for a request denied on the grounds that the record relates to or resulted in a criminal investigation. Appeals should be submitted to the:

Executive Director
Pennsylvania Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17120-0225
Telephone: 717.346.9903
E-mail: openrecords@state.pa.us

3. An appeal for a request denied on the grounds that a record relates to or resulted in a criminal investigation should be submitted to the County District Attorney's Office.

E. Appeal Determination

1. Unless the requester agrees otherwise, the appeals officer shall make a final determination which shall be mailed to the requester and the HACA within thirty (30) days of receipt of the appeal filed under Section D above. If the appeals

officer fails to issue a final determination with thirty (30) days, the appeal shall be deemed denied.

2. Prior to issuing a final determination, a hearing may be conducted. The determination by the appeals officer shall be the final order. The appeals officer shall provide a written explanation of the reason for the decision to the requester and the HACA.

F. Special Rules

1. Electronic Access: If access to a public record is routinely available only by electronic means, the Open Records Officer shall provide access to inspect the record at an office of the HACA.
2. Creation of a Public Record: The HACA is not required to create a public record that does not currently exist, or to compile, maintain, format or organize a record in a manner in which the HACA does not currently compile, maintain, format or organize the record.
3. Conversion of an Electronic Record to Paper: If a public record is only maintained electronically or in other non-paper media, the HACA shall, upon request, duplicate the record on paper when responding to a request for access.
4. Redaction: If a requested public record contains some information that is subject to access and some information that is not subject access, the HACA's response shall grant access to the information that is subject to access and deny access to the information that is not subject to access. If the information that is not subject to access is an integral part of the record and cannot be separated, the HACA shall redact from the record the information that is not subject to access and the response shall grant access to the information that is subject to access. The HACA shall not deny access to the record if the information that is not subject to access is able to be redacted.

4. FEES

A. Authorized Fees

1. Postage: fees may be charged for the actual cost of mailing.
2. Duplication: fees may be charged for photocopying, printing from electronic media or microfilm, copying onto electronic media, transmission by facsimile or other electronic means and other means of duplication. Fees shall be reasonable and based on prevailing fees for comparable duplication services provided by local business entities.
3. Conversion to Paper: records 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 original media, unless the requester specifically requests for the record to be duplicated in the more expensive medium.

4. Certification: fees may be charged for official certification of copies when done at the behest of the requester and for the purpose of legally verifying the record.
5. Enhanced Electronic Access: fees may be charged if the HACA offers enhanced electronic access to records in addition to making the records accessible for inspection and duplication. Fees may be established as a flat rate, 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. Fees must be reasonable, approved by the Office of Open Records and may not be established with the intent or effect of excluding persons from access to public records or duplicates thereof or of creating a profit for the HACA.

B. Waiver of Fees

Fees for the duplication of a record may be waived at the discretion of the HACA's Open Records Officer, including but not limited to:

1. The requester duplicates the record; or
2. The Open Records Officer deems it is in the public interest to do so.
3. Except as otherwise provided by statute, no other fees may be imposed unless the HACA necessarily incurs costs for complying with the request, and such fees are reasonable. No fee may be imposed for the HACA's review of a record to determine whether the record is a public record subject to access under the Act.

C. Time of Payment

The requester shall pay all applicable fees for access and duplication of a public record upon the Open Records Officer providing the copies of the requested record.

1. Prior to granting a request for access, the Open Records Officer may require prepayment of an estimate of fees authorized under this section if the fees required to fulfill the request are expected to exceed one hundred dollars (\$100.00).
2. Fees for enhanced electronic access will normally be paid in advance (covering expenses of establishing the enhanced access) and partially through a series of installments over the period of time when the enhanced electronic access is being utilized.

D. Fee Schedule

Copies: \$.25 per page.
(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)

Certification of a Record: \$5 per record. Certification fees do not include notarization fees.

Specialized documents: Actual cost
(Blue prints, color copies, non-standard sized documents, etc.)

Facsimile/Microfiche/Other Media: Actual cost

Postage: Actual cost

Conversion to Paper: If a 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 original media unless the requester specifically requests for the record to be duplicated in the more expensive medium. (Sec. 1307(e)).

**RIGHT-TO-KNOW LAW
PUBLIC RECORD REQUEST FORM**

Date Requested: _____

Request submitted by: E-mail U.S. Mail FAX In-Person

Name of Requester: _____

Address: _____

Telephone #: _____ FAX #: _____

E-mail: _____

Records Requested: (Be as specific as possible and use additional sheets if necessary.)

Do you want to inspect the record(s)? Yes No Do you want copies? Yes No

Do want certified copies? Yes No Other media request: _____

Method of delivery: Pick-up in person FAX U.S. Mail Other: _____

Signature of Requester: _____

**** PLEASE NOTE: RETAIN A COPY OF THIS REQUEST FOR YOUR FILES ****
**** IT IS A REQUIRED DOCUMENT IF YOU WOULD NEED TO FILE AN APPEAL ****

For HACA Use Only:

Date received: _____ 5-Day Response Due Date: _____

Open Records Officer Signature: _____

***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.)*