

**TOWNSHIP OF WASHINGTON
FRANKLIN COUNTY, PENNSYLVANIA**

RESOLUTION NO. 330

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THIS
TOWNSHIP ESTABLISHING A RIGHT-TO-KNOW POLICY FOR
WASHINGTON TOWNSHIP AS PER ACT 100.**

RIGHT-TO-KNOW POLICY

SECTION 1. Purpose

The purpose of this policy is to assure compliance with the Pennsylvania Right-to-Know Law, Act 100 of 2002, as amended, to provide access to public records of Washington Township, to preserve the integrity of the Township's records, and to minimize the financial impact to the residents of Washington Township regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

SECTION 2. Designated Employee, Office Hours and Location of Records

1. It is the policy of Washington Township to require the presence of a designated employee when public records are examined and inspected and to charge reasonable fees for duplication of public records of the Township. Washington Township designates the Township Secretary as responsible for assuring compliance with the Pennsylvania Right-to-Know Law.
2. The Township records are available during regular office hours, which are 8:00 a.m. to 4:30 p.m. Monday through Friday with the exception of Township holidays.
3. Request for information shall be in writing and directed to the Township Secretary at the Washington Township Municipal Office, 13013 Welty Road, Waynesboro, PA 17268, FAX number 717-762-9328.

SECTION 3. Access to Public Records Procedure

1. The Township has designated the Township Secretary to process public record requests.
2. The Township is responsible for minimizing, where possible, the financial impact to the Township 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 Township under this policy shall be specific in identifying and describing each public record requested. In no case shall the Township 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 Township does not currently compile, maintain, format or organize the public record. All requests for public records shall be submitted in writing and on the form entitled "Washington Township Request for Public Record Review and/or Duplication."
4. The Township Secretary shall make a good faith effort to determine whether each record requested is a public record. If an item requested is protected by copyright laws, the Township Secretary shall deny the request and shall provide information to the requester where to request a copy of the item protected by the copyright.
5. The Township Secretary shall facilitate a reasonable response to a request for the Township's public records. In no case is the Township expected to provide extraordinary staff to respond to the request, but will respond in a manner consistent with the requirements of the Pennsylvania Right-to-Know Law and the availability of administrative time.
6. The Township Secretary shall respond to the requester within five (5) business days from the date of receipt of the written request. If the Township Secretary does not respond within five (5) business days of receipt thereof, the request is deemed denied.
7. The response provided by the Township Secretary shall be one of the following:
 - (a) Approval for access to the public record;
 - (b) Review of the request by the designated employee;
 - (c) 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 the regular business hours of the Township. The Township Secretary shall cooperate fully with the requester, while also taking reasonable measures to protect the Township public records from the possibility of theft and/or modification. The presence of an employee is required when public records are examined and inspected.
9. Fees for duplication of public records shall be as follows:
 - (a) Photocopying: 20 cents (\$0.20) per page.
 - (b) Any information requested which is not normally provided as part of the regular conduct of Township business; which is not readily available; and which requires a Township employee to research or compile, will be charged at a rate of \$1.00 per sheet for the first five (5) sheets and \$.50 for each additional sheet. In addition, a fee of \$20.00 shall be paid for each 30-minute increment, or part thereof, required to produce the requested documents after the first 30-minute increment.

- (c) Duplication of public electronic and/or tape records: actual cost to the Township of duplicating the public record.
 - (d) Certified copies: \$2.00 per page.
 - (e) Postage: actual cost to the Township of mailing the public record.
 - (f) Zoning Ordinance, Subdivision Ordinance and the Comprehensive Plan fee shall be \$20.00 for each.
 - (g) Staff time required as per Section 3.8 shall be invoiced at the employee rate for each 30-minute increment, or part thereof, required after the first 30-minute increment.
 - (h) Duplication of police accident or incident reports: \$15.00 each.
 - (i) The Township 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 Township Secretary shall require the requester to prepay the estimated cost before fulfilling the request. Any overpayments will be refunded to the requester.
11. If the request is being reviewed, the notice provided by the Township 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 Township 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 may be redacted prior to a grant of 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 Township's policy and procedure requirements; or
 - (f) The requester refuses to pay the applicable fees.
12. If access to the record requested is denied, the notice provided by the Township shall be in writing as indicated on the form attached hereto entitled "Denial of Request to Review and/or Duplicate Washington Township Records."
13. If the request is denied or deemed denied, the requester may file exceptions with the Township within fifteen (15) business days of the mailing date of the Township's notice of denial, or within fifteen (15) days of a deemed denial. The exceptions must:
- (a) Indicate the date of the original request;
 - (b) Identify and describe the record(s) requested;
 - (c) State the grounds upon which the requester asserts the record(s) is a public record; and
 - (d) Address any grounds stated by the Township in its notice of denial.

14. The Township shall review the exceptions and may conduct a hearing to assist in making a final determination. A final determination will be made within thirty (30) days of the mailing date of the exceptions, unless extended by the parties. If the denial is upheld, the decision shall contain a written explanation of the reason for denial and an explanation of the process for further appeal.

SECTION 4. Prior Confidentiality Agreement

Requests for any record that is subject to a confidentiality agreement executed before the effective date of this act shall be governed by the law in effect at the time the agreement was executed.

SECTION 5. Posting

This policy shall be posted conspicuously at the Township office.

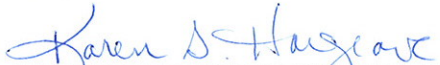
SECTION 6. Effective Date

This policy shall take effect on December 26, 2002.

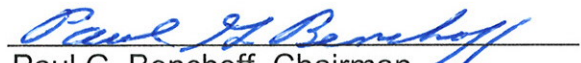
DULY RESOLVED this 16th day of December 2002, by the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, in lawful session assembled.

TOWNSHIP OF WASHINGTON
FRANKLIN COUNTY, PENNSYLVANIA

Attest:



Karen S. Hargrave, Secretary



Paul G. Benchoff, Chairman