

# MT PENN BOUROUGH MUNICIPAL AUTHORITY

## RIGHT-TO-KNOW LAW POLICY

Adopted: January 11, 2017, pursuant to 65 P.S. § 67.504(a))

**Effective Date: January 1, 2017**

### **I. Authority**

The Mt. Penn Borough Municipal Authority (“Agency”) adopts this policy pursuant to Section 504(a) of the Right-to-Know Law, 65 P.S. §§ 67.101-67.3104 (“RTKL”).

### **II. Definitions**

All of the definitions set forth in the RTKL are incorporated in to this policy by reference.

**Business day:** The regular business hours of the Agency are Monday through Friday from 8:00 am to 12:00 pm and 1:00 pm to 4 pm. Business days exclude Saturday and Sunday and a weekday where the Agency is closed for business.

### **III. Submitting a RTKL Request to the Agency**

*A. Open Records Officer.* The Agency has designated an Open Records Officer to respond to RTKL requests.

The contact information for the Agency’s Open Records Officer is:

Christeena Hauck  
Open Records Officer

Stephen Davis  
Alternate Open Records Officer

By Mail: 200 N. 25<sup>th</sup> Street, Reading, PA 19606

In Person:

Phone: 610-779-4900

Facsimile: 610-370-0338

E-mail: [contact@mtpennwater.com](mailto:contact@mtpennwater.com)

The Agency Open Records Officer and Alternate Open Records Officer’s contact information is posted on the Agency website at: [mtpennwater.com](http://mtpennwater.com)

*B. Request.* Requests should be submitted in writing using the Agency Request form available on the Agency website, or the Agency's office and be addressed to the Agency Open Records Officer. If a requester chooses not to use the request form, the request should clearly indicate that it is seeking records under the RTKL. To allow the Agency to locate requested records and determine whether those records are public, requests for records should be specific and concise and clearly identify as precisely as possible the records sought. Requesters should retain a copy of the request for their file as a copy of the request is necessary should a requester appeal the Agency response.

*C. Receipt of the request.* The Agency receives the request on the business day the Agency Open Records Officer receives the request. Any request that is received by the Agency after the close of regular business hours shall be deemed to be received on the next business day. If the request is received by an Agency employee other than the Agency Open Records Officer, the request will be forwarded to Agency Open Records Officer as soon as practical.

*D. Verbal and anonymous requests.* The Agency will not respond to verbal and anonymous requests for records. Requesters submitting verbal and anonymous requests for records may not pursue the remedies available to a requester under the RTKL.

*E. Response period generally.* The Agency has five business days to respond to a request for records under the RTKL. If an Agency does not respond, the request is considered "deemed denied" and a requester's appeal rights commence.

#### **IV. Agency Response**

*A. Interim response.* The Agency is permitted to take an additional 30 days to respond to any request for the reasons set forth in Section 902 of the RTKL, 65 P.S. § 67.902. If the Agency invokes an extension, the Agency will inform the requester in writing.

*B. Requester agreement to extend the response period.* The requester may agree, in writing, to extend the response period beyond 30 days. The requester must agree to the extension during the 5 business day or Agency extended response period.

*C. Final response.* The Agency may grant a request, partially grant and partially deny a request, or deny a request in its entirety. The final response of the Agency will be in writing. Should the Agency fail to issue a response within the applicable response period, the request is deemed denied.

*1. Granting access to records.* The Agency may grant a request for records by issuing a response: (1) granting access to inspect Agency records during the Agency's regular business hours; (2) sending copies of the records to the requester; or (3) by notifying the requester that the records are available on the Agency website or other publically accessible electronic means.

2. *Denying or partially denying access to records.* Should the Agency deny or partially deny a request for records through redaction or otherwise, the Agency will inform the requester of the denial or partial denial in writing. The response will inform the requester that the Agency does not possess the responsive record or, if the information is exempt from public access, provide a citation to the relevant legal basis for withholding the requested information.

*D. Fees.* The Agency will charge duplication and certification fees consistent with the OOR Fee Structure.

## **V. RTKL Appeals**

*Generally.* To challenge the denial or deemed denial of a request for Agency records, an appeal may be filed with the Office of Open Records (“OOR”) by contacting:

Executive Director  
Office of Open Records  
Commonwealth Keystone Building  
400 North Street, 4th Floor  
Harrisburg, PA 17120-0225  
[openrecords@pa.gov](mailto:openrecords@pa.gov)

*Criminal investigative records.* To challenge the denial of a request or portion of a request on the basis that information was withheld as exempt criminal investigative records, a concurrent appeal should be filed by contacting:

John Adams, Esquire  
Berks County District Attorney  
Attn: County District Attorney’s RTKL Chapter 11 Appeals Officer  
633 Court Street  
Berks County Services Center, Fifth Floor  
Reading, Pennsylvania 19601

*Requirements of an appeal.* All appeals: must be in writing; must state the grounds upon which the requestor asserts that the requested records is a public record; must address any grounds stated by the agency for denying the request; and must include a copy of the request and the Agency’s response, if any. All appeals must be filed within 15 business days of the mailing date of the agency’s denial or deemed denial of the request.

## **VI. Additional Information about the RTKL.**

Additional information regarding the RTKL and the request and appeal process, including the OOR Citizen’s Guide, Agency Guides, and related forms, are available on the OOR website at <http://openrecords.state.pa.us>