

**HALFMOON TOWNSHIP
CENTRE COUNTY, PENNSYLVANIA**

RESOLUTION 2008 - 80

**A RESOLUTION OF THE TOWNSHIP OF HALFMOON, CENTRE COUNTY,
PENNSYLVANIA, REVISING ITS POLICY FOR ACCESS OF PUBLIC RECORDS**

Purpose

The purpose of this policy is to assure compliance with Act 3 of 2008, The Pennsylvania Right-to-Know Law, as amended; to provide access to public records of Halfmoon Township; to preserve the integrity of the Township's records; and to minimize the financial impact of the residents regarding the resources utilized in the receipt and processing of public record request and the retrieval and copying of public records.

Public Records

A "Public Record" is defined as any record, including financial records, of a Commonwealth or local agency that is not exempt under section 708 of Act 3 of 2008, is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree, or is not protected by a privilege. Exemptions are included as a part of this policy as Exhibit A.

Records are also 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.

Inspection

Public records are open to inspection and for duplication during normal office hours, 8:30 a.m. to 5:00 p.m., Monday through Friday, except for holidays, subject to the regulations set forth herein.

Open Records Officer

The designated "Open Records Officer" shall be the Township Manager, who shall designate certain employee(s) to process public record requests. The Township Manager is responsible for minimizing, where possible, the financial impact to the Township regarding the resources utilized in the receipt and processing of public record request and the retrieval and copy of public records.

Upon receipt of a written open records request, the Township Manager or his/her designee shall:

1. Note the date of receipt on the written request.
2. Compute the day on which the five-day period will expire and make a notation of that date on the written request.
3. Maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been fulfilled. If the request is denied, the written request shall be maintained for 30 days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied.

Open Records Request

A written request for access to records may be submitted in person, by mail, by e-mail, by facsimile or, provided by way of the Township's Open Records Request form. All employees who receive a request shall immediately forward requests for records to the Township Manager. Regardless of the form received, no employee shall determine if the request is in its proper form. A written request should identify or describe the records sought with sufficient specificity to enable the Township to ascertain which records are being requested and shall include the name and address to which the Township should address its response. A written request need not include any explanation of the requester's reason for requesting or intended use of the records unless otherwise required by law.

Redaction

While the Township will disclose public records subject to access, the Township is not required to synthesize, compile, maintain, format, or organize records in response to a request. When a public record exists, the Township will separate and exclude any records which are not public records or which are otherwise excluded or exempted from the definition of public records. If information which is not subject to access is an integral part of a public record and cannot be separated, the Township shall redact from the public record the information which is not subject to access, and the response shall grant access only to the information which is subject to access.

Response

Within 5 business days from the date the request is received, the Township will (1) provide the records requested; (2) deny the request by notifying the requestor in writing; or (3) send a written notice that the records cannot be provided within the initial 5 business days. If it is determined that the request cannot be honored within the initial 5 days, a notice will be issued specifying a date when the records may be expected but, in no case, will the time be longer than 30 additional days. If no response is made within the five business days of receipt of written request, the request shall be deemed denied.

Fees

A request for copies of public records or information produced therefrom must be accompanied by payment of fees to cover the direct costs of duplication. Reasonable fees to cover direct costs incurred by the Township may be charged. Although not all-inclusive, the fees listed on the attached Exhibit B are hereby adopted by the Halfmoon Township Board of Supervisors and made a part hereof, and may be amended from time to time as expenses change.

Denials

If the Township denies a written request for information, whether in whole or in part, a written response will be sent by the Open Records Officer to the requestor with: (1) a description of the record requested; (2) the specific reasons for denial, including a citation of supporting legal authority; (3) contact information for the Open Records Officer; (4) date of response; and (5) procedure to appeal the denial.

Appeals

If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the Office of Open Records or judicial, legislative or other appeals officer designated under section 503(d) within 15 business days of the mailing date of the agency's response or within 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, legislative record or financial record and shall address any grounds stated by the agency for delaying or denying the request.

Any person(s) having a right to appeal a denial of information may do so in writing to;
Ms. Terry Mutchler, Executive Director, Office of Open Records
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120I

Any and all other ordinances, resolutions, or parts of ordinances or resolutions, in conflict herewith, are hereby repealed.

RESOLVED, by and for the Board of Supervisors of the Township of Halfmoon, Centre County, Pennsylvania this 18th day of December, 2008;

Attest:

By and for the Board of Supervisors

Township Secretary

Benjamin P. Pisoni

{Seal}