

SOUTH LEBANON TOWNSHIP
OPEN RECORDS POLICY
RESOLUTION NUMBER 1142

WHEREAS, Act 3 of 2008 rewrites the State's Open Records Law to further provide for access to public records;

WHEREAS, this Act takes effect January 1, 2009;

WHEREAS, it is incumbent upon the Township to formulate and enforce a policy regarding the Open Records Law.

AND NOW, to wit, on 23rd day of December, 2008, BE AND IT IS HEREBY RESOLVED by the Township Board of Supervisors that the following should constitute the Township's policy regarding the Open Records Law as promulgated by Act 3 of 2008:

1. PUBLIC RECORD – A public record is a record that is not exempt under section 708, is not exempt under Federal or State law or judicial order, and is not protected by a privilege. All documents deemed public records shall be available for inspection, retrieval, and duplication at the Township Municipal Building during established business hours of 8:00 A.M. to 4:00 P.M. with the exception of weekends and holidays.
2. MUNICIPAL CONTACT PERSON - South Lebanon Township hereby designates Jamie Yiengst as the Township Open Records Officer. All record requests to the Township should be addressed to said Officer.
3. METHOD OF REQUEST - All requests shall be made in writing to the Township Open Records Officer on a form provided by the Township. Requests may be presented in person, or by mail, to South Lebanon Township, 1800 S. 5th Avenue, Lebanon, PA 17042, by fax at (717) 274-1272, or by email to sltownship@comcast.net. The Township does not require that any requester have a purpose or motive for requesting a particular record. The Open Records Policy and Records Request forms shall be available to the public on the Township website.
4. CHARGES - Paper copies shall be .25¢ per page per side. The certification of a record is \$1.00 per record. Specialized documents including, but not limited to blue prints, color copies, and non-standard sized documents shall be charged the actual cost of production. If mailing is requested, the cost of postage will be charged. The Township shall require prepayment before fulfilling such requests.
5. TIMELY RESPONSE - South Lebanon Township shall make a good-faith effort to provide the requested public record(s) as promptly as possible. The Open Records Officer shall cooperate with those requesting records to review and/or duplicate original township documents while taking reasonable measure to protect township documents from the possibility of theft, damage, and/or modification.

The Open Records Officer shall review all written requests for access to public records. The Open Records Officer shall respond to such requests in writing no later

than five business days after receiving a written request to access public records, consistent with Act 3 of 2008, the Right-to-Know Law.

The Township may use up to thirty (30) additional days to comply with the request if it must remove portions of a record that are not public, retrieve records not stored on site, or obtain a legal review of the records requested; is experiencing a bona fide staffing shortage; or if the requester does not comply with the municipal policy for records access. If the extension is necessary, the Open Records Officer shall notify the requester of the delay in writing within five (5) business days from the date of the request. Access to a public record is considered denied by the Township if the delay does not comply with one of the above exceptions.

If access to a record is denied, the response shall include a reason for denial as stipulated in Act 3 of 2008, the Right-to-Know Law.

6. REDACTION – The Township may remove portions of a record that are not public information. A written denial shall be given for the redacted portion of the document.

7. APPEALS - If a written request is denied or deemed denied, the requester may file an appeal in writing to Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, Plaza Level, Harrisburg, PA 17120-0225.

Appeals of Police Records Requests shall be made to the District Attorney of Lebanon County, 400 S 8th Street, Lebanon, PA 17042.

The appeal shall be filed within 15 business days of the mailing date of the Township’s response or within 15 business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts the record is a public record and shall address any grounds stated by the Township for delaying or denying the request.

8. RECORD RETENTION – The Pennsylvania Historical and Museum Commission publishes a Records Retention Schedule that the Township shall follow when purging records. The Township shall not be subject to any damages or penalties for complying with the Records Retention Schedule of the Pennsylvania Historical and Museum Commission.

This Resolution replaces Resolution Number 1032 as South Lebanon Township’s current Open Records Policy.

ATTEST:

SOUTH LEBANON TOWNSHIP
BOARD OF SUPERVISORS

BY: _____
Secretary

Chairman

Vice-Chairman

Member