

City of Sharon
Right-to-Know Law Policy

Adopted by Sharon City Council Resolution 59-24
on July 10, 2024, pursuant to 65 P.S. § 67.504(a)

I. Authority

The City of Sharon (“Agency”) adopts this policy pursuant to Section 504(a) of the Right-to-Know Law, 65 P.S. §§ 67.101-67.3104 (“RTKL”). The Agency has made this policy available to the public at its administrative office(s) and on its public website along with the RTKL Uniform Request Form. *See* 65 P.S. § 67.504(b) (relating to agency posting requirements under the RTKL).

II. Definitions

All of the definitions set forth in the RTKL are incorporated into this policy by reference. *See* 65 P.S. § 67.102.

AORO. The Agency Open Records Officer designated by the Agency pursuant to Section IV of this policy.

Business day. The regular business hours of the Agency are Monday through Friday from 8:30am to 4:30pm. Business days exclude Saturday and Sunday and a weekday on which the Agency is closed for business.

III. Agency Website

The Agency maintains a public website at <https://www.cityofsharon.net>. The following information is posted on the Agency’s website: AORO contact information; contact information for the OOR; the form which may be used to file a RTKL request; and a copy of this policy. *See* 65 P.S. § 67.504(b) (relating to agency posting requirements under the RTKL).

IV. Submitting a RTKL Request to the Agency

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

The contact information for the AORO is:

By Mail: 155 West Connelly Blvd, Sharon PA 16146

In Person: 155 West Connelly Blvd, Sharon PA 16146

Phone: (724) 983-3220

Fax: (724) 983-1961

All current contact information for the AORO, including name and email address, is posted on the Agency website.

B. *Request.*

- a. Requests must be submitted in writing using the RTKL Uniform Request Form available on the Agency website and addressed to the AORO.
 - i. If a requester chooses not to use the RTKL Uniform Request Form, the request will be considered an informal request, not subject to the RTKL. This means that the requester cannot pursue the relief and remedies provided for in the RTKL.
- b. 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. See 65 P.S. § 67.703.
- c. Requesters should clearly indicate the preferred method of access – paper copies, electronic copies or by inspection.
- d. A requester should retain a copy of the request, as a copy of the request is necessary should a requester appeal the Agency response.

C. *Receipt of the request.* For the purpose of calculating the response deadline, the Agency is deemed to have received the request on the business day that the AORO themselves actually receives the request. See 65 P.S. § 67.901. The date the AORO comes to be in receipt of the request may be different than the date the request is delivered via email, mail, in-person or otherwise to the Agency. If the request is received by an Agency employee other than the AORO, the request will be forwarded to AORO as soon as practical.

D. *Verbal requests.* The Agency will respond to verbal requests for records at its discretion. Requesters submitting verbal requests for records should be aware that they may not pursue the remedies available to a requester under the RTKL.

- E. *Anonymous requests.* The Agency will not respond to anonymous requests for records.
- F. *Response period generally.* The Agency has five business days from the AORO's receipt of the request to respond to a request for records under the RTKL. If an Agency does not respond within that timeframe, the request is considered "deemed denied," and a requester's appeal rights commence.

V. Agency Response

- A. *Extension of time for response.* The Agency is permitted to take an additional 30 calendar days to respond to any request for the reasons set forth in Section 902 of the RTKL. *See* 65 P.S. § 67.902. If the Agency invokes an extension, the Agency will inform the requester in writing, in accordance with the requirements set forth in Section 902(b)(2) of the RTKL.
- B. *Requester's agreement to extend the response period.* The requester may agree, in writing, to extend the Agency response period. *See* 65 P.S. § 67.902(b)(2). The requester must agree to the extension during the initial 5 business-day response period or the extended 30 calendar day response period, if the Agency has invoked one.
- C. *Creation of Records.* When responding to a request for access, the Agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record. *See* 65 P.S. § 67.705
- D. *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. *See* 65 P.S. § 67.901.
 - a. *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 publicly accessible electronic means. *See* 65 P.S. §§ 67.701(a), 704.
 - i. *Medium of provided records.* A record being provided to a requester shall be provided in the medium requested if it exists

in that medium; otherwise, it shall be provided in the medium in which it exists. *See* 65 P.S. §§ 67.701 (a).

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 describe the requested records, inform the requester that the Agency does not possess the responsive records or, if the records are exempt from public access, provide a citation to the relevant legal basis for withholding the requested records. *See* 65 P.S. § 67.903. Additionally, the response will provide the name, signature, title, business address and telephone number of the Open Records Officer who denied the request, as well as the date of the response and the procedure to appeal the denial. *See* 65 P.S. § 67.903.

E. *Fees.* The Agency will charge fees consistent with the RTKL Fee Structure, available at <http://www.openrecords.pa.gov/RTKL/FeeStructure.cfm>. All applicable fees shall be paid in order to receive access to the record requested. If the fees required to fulfill the request are expected to exceed \$100, the Agency will require a requester to prepay an estimate of the fees. *See* 65 P.S. § 67.901, 1307 (h).

VI. RTKL Appeals

A. *Generally.* To challenge the denial, partial denial, or deemed denial of a request for Agency records, an appeal may be filed using the OOR appeal form, available at <http://www.openrecords.pa.gov/Appeals/AppealForm.cfm>, or by contacting the OOR at the following address:

Office of Open Records
Commonwealth of Pennsylvania
333 Market St., 16th Floor
Harrisburg, PA 17101-2234
openrecords@pa.gov

Criminal investigative records. To challenge the denial of a request or portion of a request on the basis that records were withheld because they are related to criminal investigative records, an appeal should be filed by contacting:

Mercer County District Attorney Appeals Officer
125 S Diamond St, Suite 209

Mercer, PA 16137
dartk@mercercountypa.gov

- B. Requirements of an appeal.* All appeals must be filed within 15 business days of the mailing date of the Agency's denial, partial denial, or deemed denial of the request. All appeals must be in writing; must state the grounds upon which the requester asserts that the requested records are public records; 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. *See* 65 P.S. § 67.1101(a)(1).

VII. Record Retention

The Agency's record retention policy is available at <https://www.phmc.pa.gov/Archives/Records-Management/Documents/2019-Municipal-Records-Manual-rev-with-links.pdf>.

Notwithstanding any other existing record retention policy, once a RTKL request is received, the Agency shall maintain, preserve, retain, protect, and not destroy any and all records, both electronic and hard copy, that are potentially responsive to the request until such time as the request is fulfilled and all associated appeals are resolved.

VIII. Additional Information about the RTKL

Additional information about the RTKL, the request process, and the appeal process is available on the OOR website at <https://www.openrecords.pa.gov>.