

BOROUGH OF DENVER
PUBLIC RECORDS INSPECTION AND DUPLICATION POLICY

In accordance with the Pennsylvania Right-to-Know Law, Act of February 14, 2008, P.L. _____, No. 3, hereinafter referred to as the "Law", the following is the policy for requests for inspection and duplication of public records of the Borough of Denver.

I. SUBMISSION OF REQUEST.

All requests to inspect or duplicate public records of the Borough shall be presented to :

Open Records Officer
Denver Borough
501 Main Street
Denver, PA 17517

Requests may be made in person at the Borough office at 501 Main Street, Denver, Pennsylvania, during normal business hours (Mondays through Fridays from 8:00 a.m. until 5:00 p.m.); by mail to 501 Main Street, Denver, PA 17517; or by fax to (717) 336-7190; or by e-mail to dboro@ptd.net.

Requests may be made in writing. The Borough has prepared a form to assist in processing requests.

All requests for inspection and/or duplication of public records must provide sufficient and specific information to allow the Borough staff to identify the requested records. The following information is the minimum necessary to enable the Borough staff to identify the public records sought:

1. Type of record, e.g. ordinance, resolution, meeting minute, permit, Zoning Hearing Board Decision, etc.

2. Approximate date of record, e.g. minutes of the Council meeting of January, 2001. The approximate date of the record must be within three to six months of the actual date of the record. The Borough cannot respond to requests which state that the record was created within a multi-year period.

3. If applicable, subject matter of record, e.g. sewage system ordinance, Zoning Hearing Board decision concerning a specifically identified property, building permit for specific property, etc.

4. If the requestor desires a written response or mailing of information, name and

address to which the Borough should address a response to the request.

5. Whether the requester desires to inspect or whether the requestor desires a copy of the document. If the requester desires a copy of the document, specify the preferred media or format.

The Borough is not required to and will not compile lists, prepare summaries, or create documents that do not exist. The Borough will provide access to and duplication of existing Borough records which are public records under the Right-to-Know Law.

The Borough recognizes its obligation to make public records available to any legal resident of the United States. The Borough acknowledges that it may not deny a request for access to a public record on the basis of the intended use of the public record, and the Borough will not require any person to disclose his or her purpose or motive in requesting access to a public record.

II. CONSIDERATION OF REQUEST FOR INSPECTION OF PUBLIC RECORDS.

The Borough shall make a good faith effort to respond to any request for inspection and/or duplication of public records as promptly as possible. Unless circumstances prevent, the Borough will respond to a written request for a public record within five (5) business days from the date it is received. Any request for a public record submitted within one hour of the close of business shall be considered received on the following business day.

If the requester has provided his/her name and address, the Borough shall send written notice to the requester within five (5) business days from the receipt of the request if the Borough determines that any of the following are applicable to the request:

1. The request requires a redaction of the record. Records will be redacted if they contain information which is not subject to public access as well as information which constitutes a public record.
2. The request requires retrieval of records stored outside of the Borough municipal building.
3. The Borough cannot respond due to a specific staffing issue. For example, the Borough staff is limited, and if the Borough Secretary is on vacation it may not be possible to respond within five (5) business days.
4. The Borough believes that it is necessary to consult with the Borough Solicitor to determine whether the requested record is a public record under the Right-to-Know Law.
5. The requester has not complied with Borough policies concerning access to public

records.

6. The requester has refused to pay any applicable fee.

7. The extent or nature of the request precludes a response within the required time period.

If the Borough cannot respond within five (5) business days to a request, the Borough will provide the reason why response is delayed, estimated date by which it anticipates it may make its response, and an estimate of any fees.

If the requester desires to remain anonymous, the Borough shall provide such information when the requester returns to the Borough office.

III. FEES.

Any person who requests the duplication of public records shall pay for the duplication in accordance with the Borough's adopted fee schedule or with the fees established by the Office of Open Records. If the Borough estimates that the cost to fulfill the request will exceed \$100.00, the Borough will require prepayment of the fee prior to granting a request for access.

IV. RESPONSE TO REQUEST FOR A PUBLIC RECORD.

The Right-to-Know Law does not require the Borough to compile lists, prepare summaries, or create documents that do not exist. The Borough will provide access to and duplication of only existing Borough records which are public records under the Right-to-Know Law.

If the Borough determines that the record requested is a public record, the Borough will allow its inspection or will notify the requester that the record is available electronically through publicly accessible means, providing the internet address at which such record is available, or will provide a copy of the record in the format requested if the Borough has the capability to produce such a format. If the Borough does not have the capability to duplicate the public record in the format requested, the Borough will provide a paper copy of the record. If the requester is unwilling or unable to access the record electronically, the requester may, within 30 days, submit a written request for a paper copy of such record.

If the Borough informs the requester that copies of the requested records are available at the Borough office and the requester fails to retrieve the records within sixty (60) days of the Borough's response, the Borough may dispose of the copies and retain all fees.

If the Borough denies a written request to inspect and/or duplicate records in whole or in part, the Borough shall provide a written denial. This written denial will identify the record

and the specific reason for the denial of the request, including a citation to supporting authority. The written response shall also include the name, title, business address, business telephone number and signature of the Open-Records Officer who has denied the request, the date of the denial, and the procedure to appeal the denial.

V. APPEAL FROM DENIAL OF REQUEST FOR INSPECTION OR COPYING OF RECORDS.

The Law provides that a requester who disagrees with a denial of his or her written request for inspection and/or duplication of records may file an appeal to

Commonwealth of Pennsylvania
Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17120-0225

Pursuant to Section 1101(a) of the Law, the appeal must be in writing; must be filed within fifteen (15) business days of the date of the Borough's response or date of a deemed denial; must state the grounds on which the requester asserts that the record is a public record; and must address any grounds stated by the Borough in denying the request.

Denver Borough
501 Main Street
Denver, PA 17517
(717) 336-2831

REQUEST FOR INSPECTION AND/OR DUPLICATION OF PUBLIC RECORDS

Requests for inspection and/or duplication of public records shall be made to the Open-Records Officer. Requests may be made in person at the Borough office at 501 Main Street, Denver, Pennsylvania, during normal business hours (Mondays through Fridays from 8:00 a.m. until 5:00 p.m.); by mail to 501 Main Street, Denver, PA 17517; or by fax to (717) 336-7190; or by e-mail to dboro@ptd.net.

The Borough is not required to and will not compile lists, prepare summaries, or create documents that do not exist. The Borough will provide access to and duplication of existing Borough records which are public records under the Right-to-Know Law.

Name (Optional): _____

Address (Optional): _____

City/State (Required): _____

Daytime Telephone Number (Optional): _____

Fax Number (Optional): _____

I am submitting this request (circle applicable) By Mail By Fax In Person E-mail

It is the intent of the Borough to comply in all respects with the Pennsylvania Right-to-Know Law. In order to process a request for inspection and/or duplication of a public record, the Borough requires sufficient and specific information to identify the record. The Borough may deny a request if there is inadequate information for the Borough to identify the specific record requested. Please provide as much of the following requested information as possible:

Type of document (e.g. ordinance, resolution, meeting minutes, etc.): _____

Subject of document (e.g. sewage system ordinance, building permit for a specifically identified property, Zoning Hearing Board decision, etc.): _____

Approximate date or dates of documents (should be within a three to six month time frame): _____

Please state any other information which you believe would assist the Borough in identifying the public record which you seek: _____

I wish to examine this public record at the Borough office: Yes No

I wish to obtain a copy of this public record: Yes No

Unless otherwise requested, the Borough will provide (1) a reference to the web site address when the requested record is available on a web site or, (2) if not available on the Internet, paper photocopies of public records. The Borough does not guarantee a requested record is available or can be made available in any other format.

I wish a copy of the public record in the following format or media if possible:

I wish the Borough to mail a copy of this public record to me: Yes No

I wish the public record to be mailed to the following address: _____

The name and contact information for the Denver Borough Open-Records Officer is as follows:

Borough Secretary

Denver Borough
501 Main Street
Denver, PA 17517
(717) 336-2831

The hours of the Open-Records Officer are Mondays through Fridays from 8:00 a.m. until 5:00 p.m.

I acknowledge that the Borough may impose fees pursuant to Section 1307 of the Right-to-Know Law to fulfill this request. I acknowledge that the Borough does not have to provide me with the copies (if any) I have requested until I pay the fees in full. If the fees required to fulfill the request are expected to exceed \$100.00, I acknowledge that the Borough may require that I prepay an estimate of the fees prior to granting my request for access in accordance with the Right-to-Know Law.

Date: _____

Signature (Optional if requesting to examine documents or pick up documents; Mandatory if requesting documents be mailed)

For Borough Use Only

Date of Receipt: _____

Computation of Expiration of five-day period to respond: _____

A copy of this request shall, pursuant to Section 502(b)(2)(iii) of the Law, be maintained until the request has been fulfilled. If the request is denied, a copy of shall be maintained for thirty (30) days or, if an appeal is filed, until a final determination is issued under Section 1101(b) of the Right-to-Know Law or the appeal is denied.