

RIGHT-TO-KNOW POLICY FOR LOWER MAKFIELD TOWNSHIP

I. Introduction

Lower Makefield Township ("Agency") is a local agency for purposes of the Pennsylvania Right-to-Know Law. As such, any Record in the possession of the Agency shall be presumed to be a public record, except in the following circumstances:

- (a) The record is exempt under the Right-to-Know Law;
- (b) The record is protected by the attorney-work product doctrine, the attorney-client privilege, or other privilege recognized by a court interpreting the laws of the Commonwealth of Pennsylvania; or
- (c) The record is exempt from disclosure under any other federal or state law or regulation, or judicial order or decree.

The term "Record" includes any document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically, and data-processed or image-processed document. Non-public records shall not be disclosed.

Requests for public records can be made by any person or who is a legal resident of the United States. Requests to the Agency can also be made by other Pennsylvania agencies.

II. Procedures

Requests for records must be made in writing.

The Agency has designated, Kurt M. Ferguson, to act as the Open-Records Officer ("Officer"). The Officer's contact information is set forth below:

Kurt M. Ferguson, Township Manager

Lower Makefield Township

1100 Edgewood Road

Yardley, PA 19067

267-274-1100

215-493-3053 - FAX

admin@lmt.org

This information will be made available on the Agency's website. Questions regarding this policy or the Right-to-Know Law should be directed to the Officer at the telephone or e-mail address listed above.

All requests must be addressed to the Officer, and all such requests must be submitted in writing, and may be submitted either in person or by mail, fax, or e-mail. In the event that a written request for records is addressed to an Agency employee other than the Officer, the Agency employee shall promptly forward such requests to the Officer.

Unless otherwise required by law, a written request need not include any explanation of the requester's reason for requesting the records or the intended use of such records. The Agency shall assign a tracking number to each filed form so as to track the Agency's progress in responding to requests under the Right-to-Know Law.

Prior to granting a request for access in accordance with the Right-to-Know Law, the Agency may require a requester to prepay an estimate of the fees authorized by law if the fees required to fulfill the request are expected to exceed \$100.00. Copies made at 25 cents per page.

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. The Agency shall not be required to create a record which does not currently exist or to otherwise compile, maintain, format or organize a record in a manner in which it does not currently compile, maintain, format or organize such record.

Upon receipt of a written request for a public record, the Officer shall do the following:

- (a) Note the date of the receipt on the written request;
- (b) Compute the day on which the five-day period will expire, and make a notation of that date on the written request; and
- (c) Create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.

There is no limit on the number of public records a single requester may seek. A request of a public record may be denied only to the extent it is duplicative of a prior request by the same requester.

III. Agency's Response

Upon receipt of a written request for access to a record, the Agency shall make a good faith effort to determine if the record requested is a public record and whether the Agency has possession,

custody or control of the identified record. When doing so, the Agency will respond as promptly as possible under the circumstances existing at the time of the request. Under the Right-to-Know Law, the Agency must send a response within five (5) business days of receipt of the written request for access, or else the written request shall be deemed denied.

Upon receipt of a written request for access, the Officer shall determine if one of the following applies:

- (a) The request for access requires redaction of a record in accordance with the Right-to-Know Law;
- (b) The request for access requires the retrieval of a record stored in a remote location;
- (c) A timely response to the request for access cannot be accomplished due to *bona fide* and specified staffing limitations;
- (d) A legal review is necessary to determine whether the record is a record subject to access under the Right-to-Know Law;
- (e) The requester has not complied with the Agency's policies regarding access to records;
- (t) The requester has been notified of the applicable fees authorized by the Right-to-Know Law and has refused to pay them; or
- (g) The extent or nature of the request precludes a response within the required time period office (5) business days.

Upon a determination that one of the factors listed above applies, the Officer shall send written notice to the requester within five (5) business days of receipt of the request for access. The notice shall include a statement notifying the requester that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided, and an estimate of applicable fees owed when the record becomes available. Upon notification to the requester that the

records are available. the Agency must keep the records for 60 days.

If the date that a response is expected to be provided is in excess of thirty (30) days following the five (5) business days allowed for above, the request for access shall be deemed denied unless the requester has agreed in writing to an extension to the date specified in the notice. If the requester agrees to the extension in writing, the request shall be deemed denied on the day following the date specified if the Agency has not provided a response by that date.