



**TOWNSHIP OF PENN
RESOLUTION NO. 75 - 2024**

**A RESOLUTION OF THE TOWNSHIP OF PENN, WESTMORELAND COUNTY,
PENNSYLVANIA, ADOPTING A POLICY FOR ADMINISTERING REVIEW AND
RESPONSES TO REQUESTS FOR PUBLIC RECORDS PURSUANT TO THE
PENNSYLVANIA RIGHT-TO-KNOW LAW, 65 P.S. §§ 67.101, ET SEQ., AS AMENDED**

WHEREAS, pursuant to Section 67.102 of the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101, *et seq.* (“RTKL”), the Township of Penn (hereinafter “Township”) is a local agency subject to the RTKL; and

WHEREAS, the Township adopts this policy pursuant to Section 504(a) of the RTKL, 65 P.S. § 67.504(a); and

WHEREAS, in accordance with Section 504(b) of the RTKL, 65 P.S. § 67.504(b), the Township will make this policy available to the public at its administrative office and on its public website.

NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioners of the Township of Penn hereby resolves as follows, placing into immediate effect the Right-to-Know Law Policy identified below, and incorporating the above recitals by reference:

SECTION 1. Right-to-Know Law Policy.

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

(1) Business Day. The regular business hours of the Township are Monday through Friday from 8:30 am to 5:00 pm. Business days exclude Saturday and Sunday and any weekday on which the Township is closed for business.

- 2) Township Website. The Township maintains a public website at www.penntwp.org. Many of the records most commonly requested from the Township are available on the website. The following information is also posted on the Township’s website: Township Open Records Officer (“ORO”) contact information; contact information for the Pennsylvania Office of Open Records (“OOR”) and any other applicable appeals officer; a form which may be used to file a RTKL request with the Township; and a copy of this Policy. *See* 65 P.S. § 67.504(b).

- 3) Submitting a RTKL Request to the Township.

(1) Open Records Officer. The Township has designated an ORO to respond to RTKL requests.

The contact information for the ORO is:

By Mail: 2001 Municipal Court
Harrison City, PA 15636

In Person: 2001 Municipal Court
Harrison City, PA 15636
Phone: 724-744-2171 ext. 201
Fax: 724-744-2172
Email: righttoknow@penntwp.org

- (2) *Request.* Requests must be submitted in writing using the RTKL Uniform Request Form available on the Township website and must be addressed to the ORO. 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. To allow the Township 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. Requesters should clearly indicate the preferred method of access – paper copies, electronic copies, or by inspection. A requester should retain a copy of the request, as a copy of the request is necessary should a requester appeal the Township response.
- (3) *Verbal Requests.* The Township will not respond to verbal requests for records. All requests for records shall be submitted in writing on the Township's RTKL Uniform Request Form.
- (4) *Anonymous Requests.* The Township will not respond to anonymous requests for records.
- (5) *Disruptive Requests.* The Township may deny a requester access to a record if the requester has made repeated requests for that same record and the repeated requests have placed an unreasonable burden on the agency. A denial under this subsection shall not restrict the ability to request a different record.
- (6) *Requests for Township Police Department.* The Township will not respond to requests directed at the Penn Township Police Department. The Penn Township Police Department is a separate agency under the RTKL with a separate ORO designated to respond to RTKL requests. The contact information for the Penn Township Police Department ORO is:

By Mail: 2000 Commercial Court
Irwin, PA 15642
In Person: 2000 Commercial Court
Irwin, PA 15642
Phone: 724-863-1119
Fax: 724-863-7372
Email: mshirey@penntwp.org

- 4) *Township ORO Responsibility.* The Township's Manager is designated as the Township's Open Records Officer and shall be responsible to:

- (1) Receive requests submitted to the Township under the RTKL.
 - (2) Direct requests to other appropriate persons within the Township or to appropriate persons in another agency.
 - (3) Track the Township's progress in responding to requests.
 - (4) Issue interim and final responses under the RTKL.
 - (5) Upon receipt of a request for a public record or financial record, the Open Records Officer shall:
 - a. Note the date of the receipt of a written request on the written request.
 - b. Compute the day on which the five (5) day period under Section 901 of the RTKL will expire and make a notation of that date on the written request.
 - c. 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 thirty (30) days or, if an appeal is filed, until a final determination is issued under Section 1101(b) of the RTKL or the appeal is deemed denied.
 - d. Create a log of all requests which shall include the date of the request, the documents requested, the requestor's name, and the date the request was fulfilled or denied.
 - (6) Ensure that the Township staff, employees, and elected or appointed officials are adequately trained to perform the job functions and to respond to requests for access to public records to the Open Records Officer.
- 5) Township Response to RTKL Requests.
- (1) *Receipt of the Request.* For the purpose of calculating the response deadline, the Township is deemed to have received the request on the business day that the ORO receives the request. *See* 65 P.S. § 67.901. Any request that is received by the Township after the close of regular business hours shall be deemed to be received on the next business day. If the request is received by a Township employee other than the ORO, the request will be forwarded to the ORO as soon as practical.
 - (2) *Response Period Generally.* The Township has five (5) business days from the day that the ORO receives the request for records to respond. If the Township does not respond, the request is considered "deemed denied" and a requester's appeal rights commence.

- (3) *Extension of Time for Response.* The Township is permitted to take an additional thirty (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 Township invokes an extension, the Township will inform the requester in writing, in accordance with the requirements set forth in Section 902(b)(2) of the RTKL.
- (4) *Requester's Agreement to Extend the Response Period.* The requester may agree, in writing, to extend the Township response period beyond the extension periods the Township is permitted to invoke under the RTKL. *See* 65 P.S. § 67.902(b)(2). The requester must agree to the extension during the Township's initial five (5) business-day response period or the Township's extended thirty (30) calendar day response period if the Township has invoked one.
- (5) *Final Response.* The Township may grant a request, partially grant and partially deny a request (through redaction or otherwise), or deny a request in its entirety. The final response of the Township will be in writing. Should the Township fail to issue a response within the applicable response period, the request is deemed denied and the requester's appeal rights commence. *See* 65 P.S. § 67.901.
- A) *Granting Access to Records:* The Township may grant a request for records by issuing a response: (1) granting access to inspect Township records during the Township'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 Township website or other publicly accessible electronic means. *See* 65 P.S. §§ 67.701(a), 704.
- B) *Denying or Partially Denying Access to Records:* Should the Township deny or partially deny a request for records through redaction or otherwise, the Township will inform the requester of the denial or partial denial in writing. The response will describe the requested records, inform the requester that the Township 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.
- C) *When responding to a request, the Township is not required to maintain, format or organize a record in a manner which the Township does not currently use.*
- (6) *Fees.* The Township will charge fees consistent with the RTKL Fee Structure, available at <http://www.openrecords.pa.gov/RTKL/FeeStructure.cfm>. The Township may, in its discretion, choose to waive some or all of the fees owed on a case-by-case basis.

6) RTKL Appeals.

- (1) *Generally.* To challenge the denial, partial denial, or deemed denial of a request for Township 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**

- (2) *Requirements of an Appeal.* All appeals must be filed within fifteen (15) business days of the mailing date of the Township's denial, the mailing date of the Township's partial denial, or the 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 Township for denying the request; and must include a copy of the request and the Township's response, if any. *See* 65 P.S. § 67.1101(a)(1).
- 7) Record Retention. Once a RTKL request is received, the Township 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.
- 8) 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>.

SECTION 2. Nothing in this Resolution shall be construed to modify, rescind or supersede any record retention policy or disposition schedule of the Township established pursuant to the Municipal Records Act, 53 Pa.C.S. § 1381, *et seq.*, as amended, or the rules and regulations promulgated thereunder.

SECTION 3. Nothing contained in this Resolution is meant to restrict or diminish the authority vested in the Township Commissioners by the First Class Township Code, the Right-to-Know Law, or other state or federal law. To the extent anything contained in this Resolution conflicts with any provision of the First Class Township Code, Right-to-Know Law, or other state or federal law, the First Class Township Code, Right-to-Know Law, or other state or federal law shall control.


SECTION 4. All prior resolutions are hereby repealed in whole or in part to the extent inconsistent herewith.

SECTION 5. This Resolution shall take effect immediately, unless otherwise provided by applicable law.

RESOLVED this 19th day of June, 2024.

TOWNSHIP OF PENN

ATTEST: (SEAL)



Mary Perez, Secretary

By: 

Jeffrey L. Shula, Chairman