Blooming Grove Township
488 Route 739
Blooming Grove, Pennsylvania 18428
Phone: (570) 775-6461 Fax: (570) 775-9209
www.bloominggrovetownship.com

Public Records Policy

A. Requests for Access to Public Records.

Public Township records will be available for inspection and copying, in accordance with this Policy and the Right-to-Know Law (Act 3 of 2008), 65 P.S. § 67.101, *et seq.*, at the Blooming Grove Township Municipal Building during the Township's regular business hours, Monday through Friday, 8:30 a.m. to 3:00 p.m., with the exception of holidays.

All requests for access to public records shall be in writing and directed to the Township's designated and appointed Open Records Officer, at the Blooming Grove Township Municipal Building, 488 Route 739, Blooming Grove, Pennsylvania 18428. Written requests shall be on a form provided by the Township, and must include, at a minimum, the date of the request, the name and address of the requester and a detailed description of the records sought. Written requests may be submitted in person, or by mail, fax or email.

B. Fees.

Copying charges are established in the attached fee schedule.

C. Response to a Records Request.

The Township will make a good faith effort to provide the requested public records as promptly as feasible. Township employees shall cooperate with those requesting to review and/or duplicate original Township records, while taking reasonable measures to protect Township documents from the possibility of theft and/or modification.

1. Inspection of Records.

Any person requesting permission to inspect public Township records may do so only by appointment made with the Open Records Officer. Any and all inspections shall be made under the

direct supervision of the Open Records Officer. Appointments may be limited to one (1) hour per day at the discretion of the Open Records Officer. The inspection of individual records may be denied under the same policy guidelines as contained herein for the copying of records. The appeal procedures as set forth herein for copies of records shall also apply to inspections.

2. Manner of Delivery.

The Township will provide the requested public records in the medium sought by the requester if the records exist in that medium. Otherwise, the records will be provided to the requester in the medium in which they are generally maintained. Blooming Grove Township has no duty to create, compile, maintain, organize or format any public record in a manner or into a medium in which it does not currently exist. Official certification of the requested records is available upon request and payment of the applicable fee.

3. Redaction of Records.

(a) Access shall be granted to public records only. The Township has the discretion to determine whether the records sought by the requester constitute public records under the Right-to-Know Law. Access will be denied to any public record that is exempt from disclosure under the Right-to-Know Law.

(b) Any record which contains information that is subject to access, but also contains information which is not subject to access, shall be redacted by the Township, whenever possible. If it is not possible to redact the record, access to the entire record will be denied. Where redaction is possible, the requester will be provided with only that portion of the document which is deemed a public record, and will be denied access to the redacted information.

4. Specificity of the Request.

A request for access to public records must be sufficiently specific to enable the Township to determine whether the document is a public record, and also to identify and locate the records sought. Requests which fail to provide sufficient details (e.g., date, owner(s)

name(s), property address/identification, description of record, etc.), shall be denied for lack of specificity.

5. Response Period.

The Open Records Officer shall review all written requests for access to public records, and shall make a determination as to whether the records sought are public records under the Right-to-Know Law.

As soon as possible, but no later than five (5) business days after receiving a written request to access public records, the Open Records Officer, shall respond to all such requests in writing. If the Open Records Officer fails to respond to the records request within five (5) business days, the request for access shall be deemed denied. All applicable fees shall be paid by the requester in order to receive access to the requested public records.

6. Additional Review Period.

Under the following circumstances, the Township may require additional time to review and/or process the records request:

(a) The request for access requires the redaction of a public record;

(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 made due to staffing limitations;

(d) A legal review is necessary to determine whether the requested document is a public record subject to access under the Right-to-Know Law;

(e) The requester has not complied with this Policy;

(f) The requester refuses to pay the applicable fees as set forth in this Policy; or

(g) The extent or nature of the request precludes a response within the required time period.

Under any of the circumstances outlined above, the Open Records Officer shall send to the requester a written notice within five (5) business days of the receipt of the records request. This notice shall advise the requester that his/her request is under review, and provide the reason for the review and a reasonable date that a response is expected to be provided, as well as an estimate of the applicable fees owed when the records become available. If the expected response date is more than thirty-five (35) days from the date of receipt of the original records request, the request shall be deemed denied, unless the requester has agreed in writing to an extension of the response date specified in the notice.

7. Denial of Access.

Access to Township records, in whole or in part, will be denied if it is determined that the information sought by the requester is not a public record as defined by the Right-to-Know Law, or is exempt from disclosure thereunder.

In the event that a request is denied, the Open Records Officer shall provide written notice to the requester which includes the following:

(a) A description of the records requested;

(b) The specific reasons for the denial, including a citation of the supporting legal authority;

(c) The name, title, business address, business telephone number and signature of the Open Records Officer, on whose authority the denial is issued;

(d) The date of the denial, and

(e) The procedures by which the requester may appeal the denial.

Written notification denying access to Township records shall be provided to the requester within five (5) business days of the receipt of the records request.

D. The Appeals Process.

1. Appeals to the Office of Open Records.

If a written request for access to public records is denied by the Township's Open Records Officer, or is deemed denied under this Policy, the requester may file an appeal with the Office of Open Records within fifteen (15) business days of the mailing date of the Township's denial, or of the deemed denial. This appeal shall state the grounds upon which the requester asserts that the record is a public record, and shall address any grounds stated by the Township for delaying or denying the request. The Office of Open Records shall assign an Appeals Officer to review the denial or deemed denial by the Township.

Appeals should be filed with the Office of Open Records at the following address:

Executive Director
Commonwealth of Pennsylvania
Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, Pennsylvania 17120-0225
Phone (717) 346-9903
Fax (717) 425-5343
Email: openrecords@state.pa.us
Website: www.openrecords.state.pa.us

2. Final Determination by the Appeals Officer.

The Appeals Officer shall make and mail his/her final determination on the appeal within thirty (30) days of the date of receipt of the appeal, unless the requester agrees otherwise. The Appeals Officer may hold a hearing on the appeal within this thirty (30) day period. The Appeals Officer must provide a written explanation of the reason for his/her final determination to the requester and the Township. This determination by the Appeals Officer is a Final Order. If the Appeals Officer fails to issue a final determination within the thirty (30) day period, the appeal is deemed denied.

3. Appeal to the Court.

Within thirty (30) days of the mailing date of the final determination by the Appeals Officer, the requester or the Township may file an appeal with the Court of Common Pleas of Pike County.

FEE SCHEDULE*

Photocopies	$ .25 per page