

Centre County Housing Authority
Right-To-Know Policy and Procedure

I. General

This policy establishes the Centre county Housing Authority's (CCHA) procedures for meeting its obligations under the Pennsylvania Right-To-Know Law (RTK Law), which was revised in 2008. It applies to all requests for "public records". This document establishes the framework within which the CCHA will exercise its administrative discretion in the future. The CCHA recognizes the value of making information available to the public, and is committed to continually improving public access to public information and fostering public participation in the decision-making process.

The Office of Open Records may promulgate regulations setting forth additional requirements and procedures, and these should be consulted.

A. Open Records Officers

The CCHA has designated the following person who shall serve as the Open Records Officer. All requests for public records are administered by the Open Records Officer. Requests should be directed to the Open Records Officer as follows:

Lori Haines, Executive Director
602 East Howard Street, Bellefonte, PA 16823
Phone: 814-355-6965 Fax: 814-355-6908
Email: lorihaines831@gmail.com

B. Request for Public Records

All Right to Know (RTK) Law requests must be submitted in writing to the CCHA's Open Records Office. If the Requester wishes to pursue the relief and remedies provided for under the Pennsylvania RTK Law (i.e. pursue an appeal of a denial), the request must be in writing.

Requests must describe the records sought with sufficient specificity to enable the CCHA to ascertain which records are being requested. The request must include the name and address to which the response is to be sent. See Appendix A for a sample request form.

If the CCHA receives a request for a public record that is not in its possession, the Open Records Officer will: notify the Requester that the CCHA does not possess the record requested; and if applicable, direct the request to appropriate persons in another agency.

C. Classification of Records
Public Records

Public records are specifically defined under the RTK Law. The CCHA adopts the RTK Law's definition of Public Record and any subsequent clarification of the RTK Law definition arising from interpretive decisions of the RTK Law.

Records Classified as Bidding Documents

The CCHA may, from time to time, make available for purchase certain bidding documents and specifications related to the procurement of goods and services. Requests for such bidding documents under this policy shall be granted and provided in accordance with the fee schedule outlined in Appendix A. However, any such documents obtained by the Requester under the open records policy shall be used for information purposes only. In no case may the bidding documents obtained under this policy be used for the purposes of responding to the related procurement solicitation. All such bidding documents and or specifications obtained under this open records policy shall be stamped with the notation "For Informational Purposes Only".

D. Procedures for Reviewing Requests for Public Records Operating Procedures

The CCHA's Open Records Officer will ensure that the Operating Procedures described in Section II of this Policy are followed.

Reviewing Records

Following the submittal of a request, the CCHA will make every effort to fulfill the request within five (5) business days of receipt by the CCHA's Open Records Officer. This may include notifying the Requestor that the records will be made available for review and copying at the CCHA.

If the request cannot be fulfilled in five business days, the CCHA's Open Records Officer will send written notice, including email, to the Requester stating the reason(s) why additional time is needed, when the office expects to be able to fulfill the request, and any fees that may be required. See Operating Procedures, Section II.

If the CCHA's Open Records Officer believes that a record contains confidential proprietary information or trade secrets, the Officer will notify the third party that provided the information of the request within five days of the request. The third party will then have five days from receipt of the notice to provide input on the release of the record. The Officer will decide whether the information qualifies as confidential proprietary information or trade secrets within ten days after that third party received the notice.

E. Denial of request for Public Records

If the CCHA's response is a denial of a written request for access, whether in whole or in part, the denial shall be issued in writing and shall include:

1. A description of the record requested.
2. The specific reasons for the denial, including a citation of supporting legal opinion.
3. The printed name, title, business address, business phone number, and signature of the Open Records Officer on whose authority the denial is issued.
4. Date of the response.
5. The procedure to appeal the denial.

F. Access to Records

The CCHA may respond by notifying the Requester that a record is available through publicly-accessible electronic means such as the CCHA's website, or another agency's website. The CCHA may also provide the records electronically through email or other means such as a CD.

The CCHA may also choose to make the records available for review and copying at the CCHA. However, the CCHA's copying facilities are limited. No records may be removed from the CCHA offices except by CCHA staff. If the CCHA is unable to send the requested documents to the Requester, in house arrangements will be made to have them duplicated. Copying and other fees are listed in Appendix B.

II. Operating Procedures

- A. Within 5 business days of receipt of written request by the CCHA Open Records Officer:
1. Immediately upon receipt of a request the CCHA Open Records Officer will date stamp the request, record the request in a logbook, compute the day that the five-day response expires and make a notation of that date on the request.
 2. The CCHA will do a thorough and timely search for the records requested and determine whether they are public records as provided in the Right to Know Law.
 3. For records involving programs delegated to or contracted with another local, state or Federal agency, the CCHA will confer with the other agency as needed. The CCHA will also confer with CCHA legal counsel as needed.
 4. The CCHA Open Records Officer reviews, signs, mails and logs a response. A response will be sent within 5 business days of receiving any written request.
 - The response can be information about how and when the Requester can visit the CCHA to view the records.
 - The response can include information that the requested materials are available upon payment of applicable fees.
 - The response can be a denial of the request in whole or in part; any denials will specify:
 - i. A description of the record requested.
 - ii. The specific reasons for the denial, including a citation of supporting legal evidence.
 - iii. The printed name, title, business address, business phone number, and signature of the Open Records Officer on whose CCHA the denial is issued.
 - iv. Date of the response.
 - v. The procedure to appeal the denial.
 - The response may be a statement that the Open Records Officer will be taking additional time (not exceeding 30 calendar days) to respond, if one or more of the following reasons applies:
 - i. Removal of confidential proprietary (or otherwise restricted) information.
 - ii. Records are at a remote location.
 - iii. Specified staffing limitations prevent a timely response.
 - iv. Legal review is required.
 - v. Requester is not complying with the CCHA's policies, including failure to pay fees.
 - vi. The extent or nature of the request precludes a response within the required time period.
- B. After (if) the CCHA Open Records Officer responds that some or all of the records requested are available:
1. The Open Records Officer provides access to the records as arranged with the Requestor.
 2. If records are electronic, the Open Records Officer arranges for computer viewing, duplication or the CCHA may respond by notifying the Requester that a record is available through publicly-accessible electronic means such as the CCHA's website, or another agency's website.
 3. If the CCHA will make copies, and if copying costs exceed \$100, the Open Records Officer collects costs before copying and logs payment. Upon delivery of the copies, the Open Records Officer collects any unpaid fees and logs the payment.

4. If the Requester fails to retrieve the requested records within 60 days of the CCHA's response, the CCHA may dispose of any copies which have not been retrieved and retain any fees paid to date.

III. Appeals

A. Appealing the CCHA's Response

The Right to Know Law provides an appeal process through the Office of Open Records. The following is a summary of that process.

If a Requestor wishes to dispute the CCHA's denial, the Requester must send his or her reasons to:

Office of Open Records
ATTN: Executive Director
Commonwealth Keystone Building
400 North Street, 4th Floor, Harrisburg, PA 17120

The reasons for the dispute must be mailed within 15 business days of the mailing date indicated on the CCHA's response, or, if no response is provided, then within 15 days of the date the request is deemed to be denied.

The Requester's dispute letter must state the grounds upon which the Requester asserts that the record is a public record and shall address any grounds stated by the CCHA for delaying or denying the request.

Unless the Requester agrees otherwise to the timing, the appeals officer will make a final determination within 30 calendar days of the date the dispute letter is mailed. Prior to issuing its determination, the appeals officer may, at its discretion, conduct a hearing. The appeals officer will provide a written explanation of the reason for the decision to the Requester and the CCHA. If the appeals officer fails to issue a final determination within 30 days, the appeal is deemed denied.

IV. Petition for Review

The Requester may request a review of the Appeals Officer's decision by the Court of Common Pleas. A request for such review should be filed with the Court of Common Pleas of Centre County.

APPENDIX A
Centre County Housing Authority
Standard Right-To-Know Request Form

All fields must be completed, unless otherwise noted. Failure to provide sufficient information may lead to a delay or denial of the request. For the purposes of the Right-To-Know Law, interim requests by the CCHA for more information does not constitute a denial of information.

All requests MUST be addressed to the Open Records Officer:

Lori Haines
Open Records Officer
Centre County Housing Authority
602 East Howard Street
Bellefonte, PA 16823

All requests will be processed on the next full business day from the date this request is received by the Open Records Officer.

1. DATE
REQUESTED: _____

2. REQUEST MADE: _____ U.S. Mail _____ In-person _____ Fax
_____ Email

3. NAME OF REQUESTOR:

ADDRESS:

4. TELEPHONE:

5. E-MAIL:

6. RECORDS REQUESTED: *(Provide as much specific detail as possible so the agency can identify the information. The agency reserves the right to provide either the specific or similar documents which fulfill the request made by the Right-to-Know Request. You may attach additional pages, as needed.)*

7. COPIES WILL BE MAILED UNLESS OTHERWISE SPECIFIED:

_____ Yes, please mail all copies of requested information

_____ No, I only want to inspect the documents

_____ No, I want the documents e-mailed to me at the following address:

E-mail address:

8. DO YOU WANT CERTIFIED COPIES:

_____ Yes (There may be an additional charge for certified copies.)

_____ No, I do not want any certified copies

9. AGREEMENT ON FEES: Copying and reproduction fees are charged in most instances, in accord with the Open Records Act. Charges may be demanded by the agency before the documents are prepared for delivery.

I understand this fee structure, and I agree to abide by this provision. I further acknowledge that I am not submitting this request for the purposes of harassment or disruption of the agency. I understand that multiple requests submitted solely for the purposes of disruption to the agency may be subject to denial, and that failure to pay for requested documents may impact my ability to request documents in the future.

Signature:

PLEASE REMIT THIS REQUEST TO THE OPEN RECORDS OFFICER, AS PROVIDED ABOVE, AND RETAIN A COPY OF THIS REQUEST FOR YOUR RECORDS.

FOR OFFICE USE ONLY

Received by:

Date Received:

Date Received by ORO:

Due Date for Response:

APPENDIX B SCHEDULE OF FEES

General

No charge shall be made for agency or legal review of a record to determine whether the requested records are public records that are subject to access under the RTK Law.

If the estimated fees that are required to fulfill the RTK Law request exceed \$100, it may be necessary for the Requester to pay the estimated amount in advance. The demand for prepayment may specify a reasonable period of time in which the Requester must make such prepayment. If the Requester fails to make prepayment within such time, the Department will not be required to produce the requested records. In all cases, all applicable fees must be paid in order to receive access to the requested record.

Reproduction Fees

The CCHA shall charge a fee of \$.25 per copy. For purposes of this policy a copy shall be defined as a single sheet of 8.5" x 11" or 8.5" x 14" paper, printed on one side of the page. Copies of documents on 11" x 17" paper shall be considered to be the equivalent of two copies and as such shall be provided at a fee of \$.50 per single sided page. Copies in excess of 11" x 17" cannot be provided in house by the CCHA. Fees for such oversized copies (e.g. architectural drawings) shall be based on the actual costs incurred by the CCHA to obtain such copies from an outside vendor.

Administrative Fees – Reasonable and Necessarily Incurred Costs

As expressly provided by the RTK Law, the CCHA has the authority to charge Requester reasonable fees for necessarily incurred costs. The CCHA will charge a document retrieval fee of \$15.00 per hour for administrative time, which shall be billed in one-quarter hour increments.