

BOROUGH OF FOREST HILLS RIGHT-TO-KNOW INTERNAL PROCEDURES

1. All record requests submitted to the Borough pursuant to the Right-to-Know Law (the "RTKL") must be in writing, addressed to the Borough Open Records Officer, and include the following information:

- a. Date of RTKL request;
- b. Requestor's full name;
- c. Requestor's telephone number;
- d. Address to which the Borough should send a response;
- e. Description of records requested;
- f. Preferred method of delivery (i.e., pickup, inspection, mail, e-mail, fax, etc.); and
- g. Signature of requestor.

RTKL requests may also be submitted on the request form prescribed from time to time by the Borough or the Pennsylvania Office of Open Records. A requestor must describe the records that he/she is seeking with sufficient specificity. An RTKL request does not need to include the reason(s) for the request or the requestor's intended use of the requested records.

2. Submittal of an RTKL request to any Borough employee other than the Borough Open Records Officer may cause a delay in the fulfillment of the request. If a Borough employee receives an RTKL request, the employee must immediately forward the request to the Borough Open Records Officer. If the Borough Open Records Officer is out of the office and thus unable to respond to an RTKL request within the time period(s) mandated by the Right-to-Know Law, the mandated time period(s) shall be tolled until the Borough Open Records Officer returns. In such circumstances, the Borough employee who accepts the RTKL request must immediately notify the requestor of the Borough Open Records Officer's absence and anticipated delay in response.

3. Upon receipt of an RTKL request, the Borough Open Records Officer shall:

- a. Immediately date stamp the request;
- b. Determine whether the Borough has possession, custody, or control of the requested records; and
- c. Make a good faith effort to determine if the requested records are "public" records pursuant to the Right-to-Know Law.

4. The Borough must respond to an RTKL request within five (5) business days of receipt of the request by the Borough Open Records Officer. By the end of this five (5) business day timeframe, the Borough Open Records Officer must issue a letter which does one (or a combination) of the following:

- a. Grants the request, and provides the responsive records;
- b. Denies the request; or
- c. States that the Borough needs an additional 30 days to review and respond to the request, citing the specific reason for this need and providing a date by which a response is expected to be provided.

5. A copy of all RTKL requests received by the Borough shall, at a minimum, be forwarded to the Borough Solicitor for record keeping purposes. The Borough Solicitor shall also be copied on all Borough's

response(s) to RTKL requests. If, in the opinion of the Borough Open Record Officer, an RTKL request requires a legal opinion, the request shall be forwarded to the Borough Solicitor for review.

6. Any records deemed responsive to an RTKL request shall be provided to the requestor within the time period(s) mandated by the Right-to-Know Law. Such response shall be transmitted either by mail, fax, e-mail or in person depending on the requestor's preference and the Borough's capabilities. If a requestor elects to pick up responsive records from the Borough building, the requestor may be required to provide proper photo ID.

7. The Borough Open Records Officer must maintain electronic or paper copies of all RTKL requests submitted to the Borough until the requests have been fulfilled. If a RTKL request is denied, a copy of the written request shall be maintained for thirty (30) calendar days or, if an appeal is filed, until a final determination is issued by the Pennsylvania Office of Open Records.

8. Prior to releasing copies of any responsive records, the Borough may charge a requestor a fee for the duplication of the records pursuant to the fee structure established by the Pennsylvania Office of Open Records. Duplication fees totaling \$5.00 or less shall be paid for in cash (exact change only). Duplication fees that exceed \$5.00 shall be paid for by check. Upon payment of the duplication fees, the Borough shall issue the requestor a receipt evidencing payment of the fee.

9. The purpose of the Right-to-Know Law is to provide members of the public access to public records in the Borough's possession, custody and control. Accordingly, a RTKL request must seek records, not answers to questions. The Borough has no obligation under the RTKL to respond to questions posed in a RTKL request; the Borough is only obligated to provide a requestor with public records in the Borough's possession, custody and control at the time a RTKL request is received. Furthermore, when responding to a RTKL request, the Borough is not required to create a record that otherwise does not exist, or to compile, maintain, format, or organize a public record in a manner that the Borough does not currently compile, maintain, format, or organize the record.