

BUTLER TOWNSHIP ACCESS TO PUBLIC RECORDS POLICY

The purpose of this policy is to assure compliance with the Pennsylvania Right-to-Know Law, 65 P.S. § 66.1 et seq., as amended, by Act 3 of 2008, to provide access to all public records of Butler Township, except for those records enumerated as exceptions to the law, to preserve the integrity of Township records, and to minimize the financial impact to the residents of the Township regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records. Such records to be included are those in the possession, custody or control of Butler Township, including within the possession of a party with whom Butler Township has contracted to perform a government function and the record related to that government function. All requests for public documents must be made on the approved form, sample of which is attached, identified as Standard Right-To-know request form. When Butler Township receives a request that should have been sent to another covered entity, Butler Township will direct the request to the appropriate entity.

It is the policy of the Township to require the presence of the township manager, who is the designated Right-To-Know Officer, when public records are examined and inspected and to charge reasonable fees for duplication of public records of the Township. Butler Township designates the Township Manager as responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines:

1. The Township Manager will determine if the record is subject to its possession, custody or control.
2. The Township Manager will determine if the record, which is presumed to be a public record, is exempted from disclosure.
3. The Township Manger shall make a timely written response to the request.
4. Only written requests will receive statutory protection. Written requests can be submitted in person, by mail, by facsimile, or by e-mail. All employees of Butler Township will be directed to forward record requests to Edward A. Kirkwood, Township Manager, the designated right-to-know officer.
5. The Township Manager shall respond within five (5) business days of the date of receipt of the request.
6. If the Township Manager denies the request, the requester can file an appeal with the Office of Open Records within fifteen (15) days. The Office of Open Records reviews the request and response and issues a final determination. Either the requester or Butler Township can appeal the decision of the Office of Open records to the Butler County Court of Common Pleas.

7. The statute expressly provides, because all records are presumed to be public records, that Butler Township bears the burden of proving, by a preponderance of the evidence that the public record is subject to one of the enumerated exceptions to disclosure.
8. For Criminal records, the requestor is to appeal to the Butler County District Attorney, P.O. Box 1208, Butler, PA 16003-1208.
9. Fees for duplication of public records shall be as follows:
 - (a) Photocopying: 25 cents (\$.25) per page.
 - (b) Duplication of public electronic and/or tape records, and records not able to be duplicated by Township personnel and equipment: actual cost to the Township of duplicating the public record.
 - (c) Certified copies: One dollar (\$1.00) per page.
 - (d) Postage: actual cost to the Township of mailing the public record.
10. In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed \$100.00, the Township Manager shall obtain fifty percent (50%) of the expected cost in advance of fulfilling the request to avoid an unwarranted impact on Township finances and revenue.
11. If the request is granted, the requestor shall be notified by the Township Manager by first class mail on the form identified as right-to-know response form information request granted.
12. If access to the record requested is denied, pursuant to Section 706 of the Act, the requestor shall be notified by the Township Manager by first class mail on the form identified as the right-to-know response form information request denial. Such denial is subject to an appeal process
13. If the request is denied, the requester may file exceptions with the Office of Open Records within fifteen (15) business days of the mailing date of the Township's notice of denial, as described in item number 6.
14. If access to the record requested is granted in part and denied in part, pursuant to Section 708 (b) of the Act, the requestor shall be notified by the Township Manager by first class mail on the form identified as the right-to-know response form information request partial granting and partial denial. Such granting and denial is subject to an appeal process within fifteen (15) business days of the mailing date of the Townships notice of partial granting and partial denial of information request, as described in item number 6.
15. This policy shall take effect on December 31, 2008.

**BUTLER TOWNSHIP
290 South Duffy Road
Butler, PA 16001**

STANDARD RIGHT-TO-KNOW REQUEST FORM
PURSUANT TO THE PROVISIONS OF ACT 3 OF 2008

DATE REQUESTED: _____

REQUEST SUBMITTED BY: E-MAIL _____ U.S. MAIL _____ FAX _____ IN-PERSON _____

NAME OF REQUESTOR: _____

STREET ADDRESS: _____

CITY/STATE/COUNTY (Required): _____

TELEPHONE (Optional): _____

RECORDS REQUESTED:

**Provide as much specific detail as possible so the agency can identify the information.*

DO YOU WANT COPIES? YES or NO

DO YOU WANT TO INSPECT THE RECORDS? YES or NO

DO YOU WANT CERTIFIED COPIES OF RECORDS? YES or NO

RIGHT TO KNOW OFFICER: EDWARD A. KIRKWOOD, TOWNSHIP MANAGER

DATE RECEIVED BY THE AGENCY: _____

AGENCY FIVE (5)-DAY RESPONSE DUE: _____

****Public bodies may foil anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)**

Written requests may be submitted to the Township in one of the following manners:

IN PERSON: (Hand Delivered) to OPEN RECORDS OFFICER, Butler Township Municipal Building, 290 South Duffy Road, Butler, PA 16001

BY MAIL: To OPEN RECORDS OFFICER, Butler Township Municipal Building, 290 South Duffy Road, Butler, PA 16001

BY E-MAIL: info@butlertwp.org

BY FAX: (724) 282-2142

Procedures for Denied or Partially Denied Record Requests

If a written request for access to a record is denied or denied in part, the requester has the right to appeal the denial in writing to:

Terry Mutchler, Executive Director
OFFICE OF OPEN RECORDS
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120
(717) 346-9903

- OR -

If a written request for access to a record is denied or denied in part because the information is a criminal investigative report the requester has the right to appeal the denial in writing to:

DISTRICT ATTORNEY OF BUTLER COUNTY
124 West Diamond Street
P.O. Box 1208
Butler, PA 16003-1208
(724) 284-5222 or (724) 285-4731