

TOWNSHIP OF WEST BRADFORD
CHESTER COUNTY, PENNSYLVANIA
RESOLUTION 20-05

**A RESOLUTION OF THE WEST BRADFORD TOWNSHIP BOARD OF
SUPERVISORS REPEALING RESOLUTION 04-11 AND ESTABLISHING AN OPEN
RECORDS POLICY**

WHEREAS, the Board of Supervisors of West Bradford Township previously adopted Resolution 04-11 establishing procedures and regulations to ensure compliance with the Pennsylvania Right-to-Law, 65 P.S. §66.1 et. seq.; and

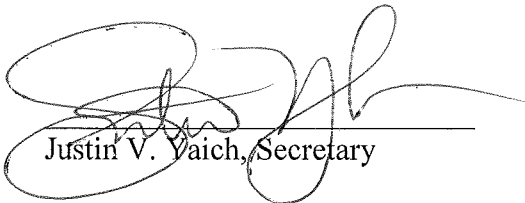
WHEREAS, the Pennsylvania Right-to-Law was thereafter significantly amended including a provision set forth in §504(a) that permits agencies to develop policies to implement the law; and

WHEREAS, the Board of Supervisors of West Bradford Township desires to repeal its prior resolution and adopt an updated Open Records Policy.

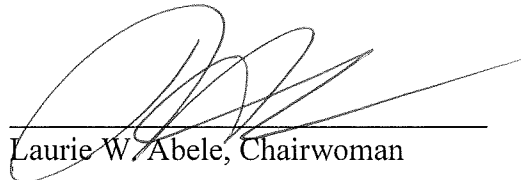
NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of West Bradford Township hereby repeals Resolution 04-11 and adopts the Open Records Policy attached hereto as Exhibit A.

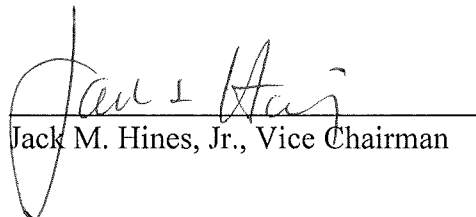
Adopted this 6th day of January, 2020

ATTEST:


Justin V. Vaich, Secretary

TOWNSHIP OF WEST BRADFORD
BOARD OF SUPERVISORS


Laurie W. Abele, Chairwoman


Jack M. Hines, Jr., Vice Chairman

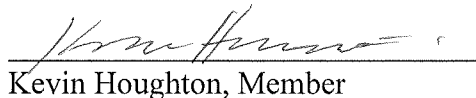

Kevin Houghton, Member

Exhibit A

WEST BRADFORD TOWNSHIP OPEN RECORDS POLICY

Adopted: January 6, 2020

Amended:

§1-1001. Purpose

The purpose of this policy is to assure compliance with Act 3 of 2008, the Pennsylvania Right to Know Law, as amended, 65 P.S. §67.101 et. seq., (“RTKL”) to provide access to public records of the Township, to preserve the integrity of the Township’s 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.

§1-1002. Definitions

- A. All of the definitions set forth in the RTKL are incorporated herein by reference. *See* 65 P.S. §67.102.
- B. Business day. The regular business hours of the Township are Monday through Friday 7:00 a.m. to 4:30 p.m. Business days exclude Saturday and Sunday and any weekday on which the Township is closed for business.

§1-1003. Open Records Officer and Responsibilities

It is the policy of the Township to require the presence of a designated employee when public records are examined and inspected and to charge reasonable fees for duplication of public records of the Township. The Township shall designate the Open Records Officer of the Township at its annual Reorganization Meeting. The Open Records Officer shall be responsible for assuring compliance with the RTKL, in accordance with the following guidelines:

- A. The Open Records Officer may designate certain employee(s) to process public records requests.
- B. The Open Records Officer shall receive requests submitted to the Township under this policy, review and respond to written requests in accordance with law, Township policy and administrative regulations, direct requests to other appropriate persons within the Township or to the Township Solicitor, track the Township’s progress in responding to the requests, issue interim and final responses under this policy and maintain a log of all record requests and their disposition.

§1-1004. Submitting a RTKL Request

- A. All requests for public records of the Township under this policy shall be specific and concise and clearly identify as precisely as possible the records sought. In no case shall the Township be required to create a public record which does not exist or to compile, maintain, format or organize a public record in a manner in which

the Township does not currently compile, maintain, format or organize the public record. All requests for public records shall be submitted in writing on the Township's or the Office of Open Record's Request Form and include the date of the request, the requestor's name, address and telephone number. Requesters shall clearly indicate the preferred methods of access – paper copies, electronic copies, or by inspection.

- B. The Request Form shall be submitted and addressed to the Open Records Officer of the Township.
- C. For the purpose of calculating the response deadline, the Township is deemed to have received the request on the business day that the Open Records Officer receives the request. 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 Open Records Officer, the request will be forwarded to the Open Records Officer as soon as practical.
- D. The Township may respond to verbal requests for records at its discretion. Requesters submitting verbal requests for records should be aware that they may not pursue the remedies available to a requester under the RTKL.
- E. The Township will not respond to anonymous requests for records.

§1-1005 Township Response

- A. The Open Records Officer shall make a good faith effort to determine whether each record requested is a public record. The Township shall facilitate a reasonable response to a request for Township public records; however, in no case is the Township expected to provide extraordinary staff to respond to the request but will respond in a manner consistent with the Township's administrative responsibilities and consistent with the requirements of the RTKL.
- B. Generally, the Township has 5 business days from the date of receipt of the request to respond to a request for records under the RTKL. If the Township does not respond within 5 business days, then the request is deemed denied.
- C. The response provided by the Township shall consist of one of the following:
 - (1) Approval for access to the public record;
 - (2) A written statement that the request for access requires further review; or
 - (3) Denial of access to the record requested.
- D. If access to the public record is granted and the record is being inspected, the record shall be available for access during the regular business hours of the Township. The presence of a designated employee is required when public records are examined and inspected. If access to the public record is granted and a copy of the public record is being provided, such copies shall be produced following prepayment of any duplication fees assessed in accordance with §1-1006. The Township may also grant a request by notifying the requester that the records are available on the Township website or other publicly accessible electronic means.

- E. If the request for access requires further review, the Township is permitted to take an additional 30 calendar days to respond to any request for the reasons set forth in §902 of the RTKL. The Township shall inform the requester in writing that it is invoking the extension, the reason for the extension, a reasonable date that a response is expected to be provided, and an estimate of applicable fees owed when the record becomes available. Review of the request requiring an extension is limited to situations where:
- (1) The record requested requires redaction in accordance with §706 of the RTKL;
 - (2) The record requested requires retrieval from a remote location;
 - (3) A timely response to the request for access cannot be accomplished due to staffing limitations;
 - (4) A legal review is necessary to determine whether the record requested is a public record;
 - (5) The requester has not complied with the Township's policies regarding access to records;
 - (6) The requester refuses to pay applicable fees; or
 - (7) The extent or nature of the request precludes a response within the required time period.
- F. If the Township requires additional time beyond the 30-day extension period, the requester must agree to such further extension or the request will be denied.
- G. If the request is for plans that are protected by copyright, the Township will allow the requester to inspect the record but will not duplicate the record nor allow the requestor to photograph the record without the consent of the owner.

§1-1006 Standard Fees

- A. Fees assessed for duplication of public records shall be consistent with the Official RTK Fee Schedule as established by the Office of Open Records pursuant to §1307 of the RTKL.
- B. The Township may, at its discretion, waive fees for duplication of public records.

§1-1007 Denials and Appeal Process

- A. If the Township'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 authority.

- (3) The typed or printed name, title, business address, business telephone 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 of access under the RTKL.
- B. If a written request is denied, the requester may file an appeal in writing within 15 business days of the mailing date of the Township's response or within 15 business days of a deemed denial to Executive Director, Office of Open Records, Commonwealth Keystone Building, 333 Market Street, 16th Floor, Harrisburg, PA 17101-2234 or openrecords@pa.gov.
 - C. To challenge the denial of a request or portion of a request on the basis that records were withheld because they are related to criminal investigative records, an appeal should be filed by contacting the appeals officer designated by the Chester County District Attorney.
 - D. 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.

§1-1008 Retention of Records

The Township will maintain all requests in accordance with the Municipal Records Manual published by the Pennsylvania Historical and Museum Commission dated December 16, 2008, as revised. Once a RTKL request is received, the Township shall maintain, preserve, 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.