

# **DELAWARE VALLEY REGIONAL FINANCE AUTHORITY**

## **Policy For Access To Public Records**

The purpose of this policy is to assure compliance with the Pennsylvania “Open Records Law”, Act 3 of 2008, 65 P.S. § 67.101 et seq., as amended, to provide access to public records of the Delaware Valley Regional Finance Authority ("Authority"), to preserve the integrity of Authority records, and to minimize the financial impact to the Authority regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records. The Open Records Law substantially amended the Right-to-Know Law, 65 P.S. § 66.1 et seq., as amended. All references herein to the “Right-to-Know Law” refer to the law, including those changes codified in the Open Records Law.

It is the policy of the Authority to require the presence of a designated employee or agent when public records are examined and inspected and to charge reasonable fees for duplication of public records of the Authority. The Authority designates Carmen P. Belefonte, solicitor of the Authority as the Open-Records Officer responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines:

1. The Open-Records Officer may designate certain employee(s) or agent(s) to process public record requests.
2. The Open-Records Officer is responsible for minimizing, where possible, the financial impact to the Authority regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.
3. All requests for public records of the Authority under this policy shall be specific in identifying and describing each public record requested. In no case shall the Authority 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 Authority does not currently compile, maintain, format or organize the public record.
4. All requests for public records shall be submitted in writing on either the form provided by the State Office of Open Records or the Authority’s form which is posted on the Authority’s website. The form must be fully completed to be accepted. No verbal or anonymous requests will be accepted.
5. The record request may be submitted to the Open-Records Officer in person, by mail, by e-mail or by facsimile.
6. The Open-Records Officer shall make a good faith effort to determine whether each record request is a public record, whether the agency has possession, custody or control of the identified record and, if so, whether it is subject to access.

7. The Open-Records Officer shall facilitate a reasonable response to a request for its public records. In no case is the Authority expected to provide extraordinary staff to respond to the request, but will respond in a manner consistent with the Authority's administrative responsibilities and consistent with the requirement of the Pennsylvania Right-to-Know Law.

8. The Open-Records Officer shall respond to the requester within five (5) business days from the date of receipt of the written request. If the Authority does not respond within five (5) business days of receipt thereof, the request is deemed denied.

9. The response provided by the Authority shall either (1) approve access to the public record; (2) state that the record is being reviewed; (3) approve/deny access in part; or (4) deny access to the record.

10. If access to the public record requested is approved, the public record shall be available for access during the regular business hours of the Authority. The Open-Records Officer shall fully cooperate with the requester, while also taking reasonable measures to protect the Authority's public records from the possibility of theft and/or modification. The presence of the Open-Records Officer is required when public records are examined and inspected.

11. In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed \$100.00, the Authority shall obtain fifty percent (50%) of the expected cost in advance of fulfilling the request to avoid unwarranted expense of the Authority's resources.

12. If the request is being reviewed, the notice provided by the Authority shall be in writing and include the reason for the review and the expected response date, which shall be within thirty (30) days of the notice of review. If the Authority does not respond within thirty (30) days thereof, the request is deemed denied. Review of the request is limited to situations where:

- (a) The record requested contains information which is subject to access, as well as information which is not subject to access that must be redacted prior to a grant of access. The redacted information is considered a denial as to that information;
- (b) The record requires retrieval from a remote location;
- (c) A timely response cannot be accomplished due to staffing limitations;
- (d) A legal review is necessary to determine whether the record requested is a public record;
- (e) The requester has failed to comply with the Authority's policy and procedure requirements;
- (f) The requester refuses to pay the applicable fees; or

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

13. If access to the record request is denied in whole or in part, notice provided by the Authority shall be in writing and contain:

- (a) A description of the record requested;
- (b) The specific reasons for the denial, including a citation of supporting legal authority;
- (c) The name, title, business address, business telephone number and signature of the Open-Records Officer under whose authority the denial was issued;
- (d) Date of response;
- (e) The procedure to appeal the denial of access under the Right-to-Know Act.

14. The Open-Records Officer shall maintain an electronic or paper copy of all requests, consistent with the Authority's retention schedule, but in any event, until:

- (a) the request has been fulfilled; or
- (b) 30 days have elapsed after a denial; or
- (c) a final decision has been made on any appeal.

15. Fees for duplication of public records shall be as follows:

- (a) Photocopying: 25 cents (\$0.25) per page.
- (b) Duplication of public electronic and/or tape records: actual cost to the Authority of duplicating the public record.
- (c) Certified copies: \$1.00 per page.
- (d) Postage: actual cost to the Authority of mailing the public record.

The Authority may in its discretion waive fees.

16. If the request is denied or deemed denied, the requester may file an appeal with the Office of Open Records within fifteen (15) business days of the mailing date of the Authority's notice of denial, or within fifteen (15) days of a deemed denial. The appeal should be in writing and addressed: Executive Director, Office of Open Records, Commonwealth

Keystone Building, 400 North Street, Fourth Floor, Harrisburg, Pennsylvania 17120. The appeal must:

- (a) State the grounds upon which the request or search that the record is a public record; and
- (b) Address any grounds stated by the Authority for delaying or denying their request.

17. This policy shall be posted at the office of the Executive Director of the Authority, Calhoun, Baker Inc., 1811 Bethlehem Pike, Flourtown Commons, Suite 350, Flourtown, Pennsylvania 19031, and on the Authority's website, together with contact information for the Open-Records Officer, the Pennsylvania Office of Open Records and a request form.

**PUBLIC RECORD REQUEST FORM**

**Please print legibly.**

Date of Request: \_\_\_\_\_

Requester's Name: \_\_\_\_\_  
*Last First Middle Initial*

Requester's Address: \_\_\_\_\_

Requester's Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

I request \_\_\_\_ review \_\_\_\_ duplication (check applicable boxes) of the following records.  
**Important:** You must identify or describe the records with sufficient specificity to enable the Delaware Valley Regional Finance Authority to determine which records are being requested. Use additional sheets if necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that I am a resident of the Commonwealth of Pennsylvania..

\_\_\_\_\_  
Signature of Requester

This request may be submitted in person, by mail or by facsimile to:

**PUBLIC RECORD REQUEST**

**To be completed by:** \_\_\_\_\_

Request No.: \_\_\_\_\_

Date Received: \_\_\_\_\_

Action Taken:

Approved

Denied

Additional Review

Date of approval:

Date notice mailed:

Date notice mailed:

\_\_\_\_\_

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