

Right-to-Know Policy

The following is the Right-to-Know policy adopted by the Lehigh Tax Collection Committee. All Right-to-Know requests can be submitted to:

Jack Meyers, Secretary/Open Records Officer
Lehigh County LTCC
c/o Whitehall Township
3219 MacArthur Road
Whitehall, PA 18052
610-437-5524 x148

Lehigh County Tax Collection Committee Right-to-Know Law Request Policy Effective October 22, 2010

I. Purpose

The purpose of this policy is to establish procedures to ensure the Tax Collection Committee (referred to herein as the "LTCC") complies with the requirements of the Right-to-Know Law, 65 P.S. § 67.101 *et seq.* which allows legal residents of the United States to inspect and obtain copies of "public records."

II. Definitions

For purposes of this policy, the terms set forth below have the following meanings:

"Business day" means a calendar day on which the LTCC office is open for business or, if the LTCC does not have a LTCC office, then a calendar day when the office at which the designated Open Records Officer conducts business is open for business, but does not include any day when the LTCC office, if any, is closed due to inclement weather, holidays, or emergencies.

"Financial Record" means any account, voucher, or contract dealing with the LTCC receipt or disbursement of funds by the LTCC; or the LTCC's acquisition, use, or disposal of services, supplies, materials, equipment, or property; or the salary, or other payments, or expenses paid to an employee, delegate, or officer of the LTCC, including the individual's name and title; or a financial audit report of the LTCC, excluding the work papers underlying an audit.

"Public Record" means a record, including a financial record, that: (i) is not exempt from disclosure under the Right-to-Know Law; (ii) is not exempt from disclosure under any other federal or state law, regulation, judicial order, or decree; or (iii) is not protected by a privilege.

“*Record*” means information, regardless of physical form or characteristics, that documents a transaction or activity of the LTCC or another agency and that is created, received, or retained pursuant to law or in connection with a transaction, business, or activity of the LTCC or another agency. The term “record” includes a document, paper, letter, map, book, tape, photograph, film, or sound recording, information stored or maintained electronically, and a data-processed or image-processed document.

“*Requester*” means any person who is a legal resident of the United States or an agency that requests access to a record under the Right-to-Know Law.

“*Response*” shall mean granting access to a record or written notice from the LCTCC granting, denying, or partially granting and partially denying access to a record.

III. Open Records Officer

The LTCC Chairperson will designate the individual who will be the Open Records Officer and an alternate. The Open Records Officer is responsible for the following duties under this policy:

1. Receive, review, and respond to all written requests for access to records submitted to the LTCC.
2. If appropriate, direct requests to other persons within the LTCC or within another agency for a response.
3. Track the LTCC progress in responding to requests for access to records.
4. Issue interim and final responses to submitted requests.
5. Maintain a log of all record requests and of the LTCC responses.
6. Ensure appropriate LTCC staff are trained to perform assigned job functions relative to requests for access to records.

After receiving a written request for access to a public record, the Open Records Officer shall take the following steps in order to track the status and final disposition of the LTCC response:

1. Note the date on which the written request was received by the LTCC.
2. Compute the day on which the five (5) business day period for the LTCC response will expire and make a notation of that date on the written request.
3. Maintain an electronic or paper copy of the written request, including all documents submitted with the request, at least until the request has been fulfilled.
4. If the written request is denied, in full or in part, maintain the written request for at least thirty (30) days or, if an appeal is filed to challenge the denial, until a final appellate determination is made.

IV. Requests for Access to Public Records

Any requester seeking access to or duplication of a public record from the LTCC must submit a written request addressed to the Open Records Officer. All LTCC employees, delegates, and

officers must forward written requests for access to public records received by them to the Open Records Officer.

A requester must complete the Right-to-Know Request Form created by the Pennsylvania Office of Open Records or by the LTCC when submitting a written request. If created by the LTCC, copies of the LTCC form may be obtained by request.

The written request must identify or describe the public record sought with sufficient specificity to allow the Open Records Officer to determine which record is being requested, the medium in Solicitor which the record is requested, and the name and address to which the LTCC should send its response.

The LTCC may grant verbal requests or written requests not made on a Right-to-Know Request Form in cases where access can be allowed immediately or granting such requests serves the convenience of the LTCC. However, such requests shall not be considered an official request requiring a LTCC response.

Any requester may submit a written request to the Open Records Officer on a prescribed Right-to-Know Request Form in person, by regular mail, by facsimile, or by email as set forth in the attachment to this policy.

The Open Records Officer may not require a requester to explain the reason for a record request, or the intended use of the record being requested.

The LTCC reserves the right to deny a requester access to a public record if the requester has repeatedly requested the same record, the record has already been provided to the requester, and the repeated requests are unreasonably burdensome on the LTCC.

When in receipt of sufficient advance notice, the LTCC shall cooperate with requesters with disabilities to make public records available in an appropriate format.

V. Requests for LTCC Records in the Possession of Another Party

A record that is not in the possession of the LTCC, but is in the possession of a party which the LTCC has retained to perform responsibilities on behalf of the LTCC, is a public record of the LTCC when the record directly relates to the LTCC operations and is not otherwise exempt from public disclosure. A written request for a record in possession of a party retained by the LTCC shall be submitted to the Open Records Officer.

The Open Records Officer shall process the request for such a record identically to all other record requests. The Open Records Officer may assess a duplication fee to make the record available to the requester, if the LTCC duplicated the record in order to make it accessible for public inspection.

VI. LTCC Response to Written Request

The Open Records Officer will respond to a written request within five (5) business days after receipt. During that period, the Open Records Officer will make a good faith effort to locate the requested record, determine if it is a public record, redact any confidential portions to allow for disclosure, and prepare an appropriate response.

A LTCC response may take any of the following forms:

1. A decision that the requested record is a public record and allowing the requester to inspect and obtain a copy of the public record, in whole or in part. If the requested record is on the LTCC official website, if any, the response should also explain how to access the information. Alternatively, the requested record may be provided with the response.

2. A partial or total written denial explaining why the requested record, or a portion of the requested record, is not a public record.
3. A written decision explaining the requested record does not exist.
4. A written notice explaining the request is under review and that a final determination can be expected within thirty (30) calendar days from the date of the notice.

A denial of a request shall be in writing and shall include the following information:

1. A description of the requested record.
2. The specific reason for the denial, including a citation of supporting legal authority.
3. The name, title, address, telephone number, and signature of the Open Records Officer under whose authority the denial is issued.
4. The date of the response.
5. An explanation of the procedure to appeal the denial.

A written notice explaining a request is under review must set forth the reasons for the review and list a date when a final response can be expected; the listed date shall be within thirty (30) calendar days from the date of the written review notice. The LTCC may review a request if any of the following applies:

1. The requested record requires redaction.
2. The request requires the LTCC to retrieve records stored in a remote location.
3. The LTCC cannot timely respond due to bona fide and specified staffing limitations.
4. Legal review is necessary to determine if the record is a public record.
5. The request does not comply with LTCC policies regarding access to records.
6. The requester has failed to pay applicable fees.
7. The extent or nature of the request makes it impossible to respond within the required time period.

The Open Records Officer shall make a final determination regarding a written request within thirty (30) days from the date of written notice explaining a request is under review.

If the Open Records Officer does not provide the requester with a written response within the applicable time period (whether it be the initial five [5] day period, or the thirty [30] day review period), the written request is deemed denied and the requester may file an appeal within fifteen (15) business days of the expiration of the applicable time period, as provided by Section XI of this policy.

In addition, if the LTCC produces a non-public record in response to a written request, the Open Records Officer shall notify the third-party that provided the record to the LTCC, the person that is the subject of the record, and the requester. In the event a requested record contains a third-party's trade secret or confidential proprietary information and the interested third-party filed the written statement required by the administrative regulations, the Open Records Officer shall

notify the interested third-party of the request and will follow the other procedures in the administrative regulations for processing requests for third-party trade secret or confidential proprietary information in responding to the request.

The Open Records Officer may consult with the LTCC solicitor before responding to a Right-to-Know Law request.

VII. Redacting Records to Allow for Public Access

If a requester seeks access to a record which contains both public and confidential information, the LTCC shall grant access to the public information contained in that record and redact the confidential information that need not be disclosed under the Right-to-Know Law, if it is possible to redact the confidential information. The LTCC may provide public information contained in a redacted record in a format of its choice that will allow for timely disclosure of public information, while simultaneously protecting against the release of confidential information. If the confidential information is a critical part of the record and cannot be separated, the LTCC shall deny access to the entire record requested.

A person's social security number; driver's license number; personal financial information; home, cellular or personal telephone numbers; personal e-mail addresses; employee numbers and other confidential personal identification numbers; the name of a person's spouse or a person's marital status; a person's beneficiary or dependent information; and the home addresses of law enforcement officers and judges are generally not subject to public disclosure. The LTCC will redact this information from a record that would otherwise be considered a public record.

Nothing in this Section shall prohibit the LTCC from releasing the name, position, salary, actual compensation, or other payments made to any person. Nothing in this Section shall prohibit the LTCC from disclosing any employment contracts with, employment-related contracts with, or the length of service of any person.

The Open Records Officer shall consult the LTCC administrative regulations under this policy when deciding what information may be redacted from a public record.

If the LTCC redacts information from any record, this redaction constitutes a partial denial of the record request, and the Open Records Officer will provide the requester with a written response regarding the partial denial, as provided in Section VI of this policy.

VIII. Electronic Access to Public Records

The LTCC may make public records available through its official website, if any. When a request is made for a public record already available through the LTCC website, the Open Records Officer may respond by directing the requester to the website. If the requester is unwilling or unable to access the LTCC website, the requester may within thirty (30) days of the LTCC response submit a written request to have the record converted to paper. If such a request is made, the LTCC shall provide access to the public record in printed form within five (5) days of the written request.

The LTCC will permit electronic access to a public record if the requester requests electronic access and the record exists in electronic form. The LTCC is not required to permit use of any computer for purposes of electronic access.

If a requester makes a written request to access a public record in electronic form, and the public record exists in that medium, the LTCC will provide access in one of the following formats:

1. On a computer disk containing the record.
2. In an e-mail containing an attachment or link to the record.
3. In a redacted copy of an electronically-stored record, if confidential information must be redacted from the record to permit access to the public information contained in the record.

IX. Inspection of Public Records

After determining that a record requested is a public record, the LTCC will allow inspection and duplication. The LTCC will provide access in a requested medium if the record exists in that medium. The LTCC need not create documents, but will provide access to public records in their existing formats. The LTCC shall not charge a fee if a requester only seeks to inspect a public record, except where conversion from electronic to paper form is required.

The inspection of a public record by a requester shall take place at the LTCC office during regular business hours if there is a LTCC office; otherwise, at a location and time designated by the Open Records Officer.

No public record shall be removed from the control or supervision of the LTCC, with the exception of copies the LTCC creates and delivers to a requester under the terms of this policy. In order to preserve the integrity of public records, the LTCC will take reasonable steps to ensure a requester does not alter, deface, or otherwise damage public records. Such reasonable steps may include, but are not limited to: the prohibition of eating and drinking when inspecting public records; monitoring of a requester who is inspecting public records; and immediate termination of public records inspection if the LTCC reasonably believes the requester's conduct would result in damage to the public records.

When inspecting records, a requester will comply with all LTCC rules and procedures applicable to the public or reasonably established by the Open Records Officer. The LTCC may ask a requester to leave its office if the requester engages in conduct which materially disrupts the operations of the LTCC, accesses, or attempts to access unauthorized areas or records systems, or threatens, harasses, or intimidates LTCC representative.

X. Duplication and Fees

If requested, a public record will be duplicated for the requester. Generally, a requester seeking a duplicate of a public record is required to appear in person at the LTCC office if there is a LTCC office; otherwise, at a location designated by the Open Records Officer. If the LTCC decides it is appropriate to do so, it may mail or otherwise deliver duplicates of public records to a requester. The LTCC will charge fees consistent with the maximum charges established by any duly-promulgated regulations of the Pennsylvania Office of Open Records. The LTCC will attach to this policy a schedule of fees, which may be revised from time to time. All fees must be paid before the public record is provided to the requester. If the duplication or transmission of a public record will cost one hundred dollars (\$100) or more, the fee must be paid in advance of the request being processed.

If the Open Record Officer makes copies of a public record in response to a written request, and the requester fails to pick up the copies within sixty (60) days of the LTCC notifying the requester that the copies are available, the copies may be discarded and the LTCC may retain any fees already paid by the requester.

XI. Filing of Appeals

If a requester wishes to challenge the written or deemed denial of a written request for a record, the requester must file an appeal with the Pennsylvania Office of Open Records within fifteen (15) business days from the date of the written or deemed denial. The appeal shall: 1) be in writing; 2) state the reasons why the requester believes the requested record is a public record; and 3) address the LTCC stated reasons for delaying or denying the written request.

XII. Posting of Policy

The LTCC shall post the following information at the LTCC office, if any, in an area accessible to the public and on its official website, if any:

1. Contact information for the LTCC Open Records Officer.
2. Contact information for the Pennsylvania Office of Open Records.
3. A copy of the LTCC form that may be used to file a request.
4. A copy of this policy with appendices, and the administrative regulations.

If there is no LTCC office or official website, the LTCC shall post this information in an area accessible to the public in the county offices as designated by the County Commissioners or a designee of the County Commissioners.

Appendix 1 – Fee Schedule

The LTCC will charge the following fees relating to public records:

1. Paper copy standard size – **25¢ per page**.
2. Electronic Copying – **25¢ per page** (pages to be attached to e-mail)
3. Certified copy – **\$5 per certified copy**.
4. Mailing – actual mail cost.
5. Creation of electronic media-CD/DVD
6. Cost of filing appeals

The total sum owed shall be paid before the public record is given to the requester. If the duplication or transmission of a public record will cost one hundred dollars (\$100) or more, that fee must be paid in advance of the request being processed.

Fees are not mutually exclusive of one another. For example, if a record must be duplicated before being mailed, the LTCC may charge a 25¢ duplication fee and the actual cost of mailing.

[Fees representing actual reasonable costs may be charged for staff time in cases where substantial time is required to comply with the request or for other costs not listed, subject to legal counsel opinion that the charges are permissible under applicable law.]

The LTCC may waive fees in circumstances it deems appropriate.

Appendix 1A – Detailed Fee Explanation

The LTCC is required to provide a public record in a requested medium only if the record exists in that medium. For example, if a request is made for an electronic copy of a paper record that is not held in electronic form, the LTCC may provide an electronic copy, but is not required to do so. The LTCC is not required to use a specific method of transmission. For example, if the LTCC makes available for inspection and photocopying a record that is held only on paper, it is not required to then e-mail or fax a duplicate.

The LTCC will charge the following fees relating to public records:

1. Paper copy standard size – **25¢ per page**. This fee applies anytime a record is copied to fulfill a request, including photocopying of a paper record or printing a copy of an electronic record. The LTCC will charge a duplication fee for copies of redacted material it must make in order for a requester to view a public record. However, if the requester chooses to obtain these copies, the LTCC will not charge an additional fee.
2. Electronic copying – Electronic copies will normally be provided by e-mail attachment. There will be no fee unless the LTCC must make a tangible copy of a record (either by photocopy or print) to fulfill the request. If the LTCC must make a tangible copy, the fee is **25¢ per page**. If the LTCC transmits an electronic copy using a more expensive medium such as computer disk, the LTCC may only charge 25¢ per page if it was required to make a tangible copy to fulfill the request unless the requester asks for duplication in the more expensive medium, in which case the LTCC may provide the copy in an electronic format of its choice (and charge the 25¢ per page only if a tangible copy was made) or may provide a copy in the more expensive medium and charge the actual cost.
3. Certified copy – **\$5 per certified record** regardless of the number of pages, plus any applicable duplication fees. If a requester asks for certification of multiple records, a separate charge will be assessed for each record certified.
4. Mailed copy – If a request is made for mailing and the LTCC chooses to mail the copy instead of requiring personal pickup, the requester will pay the actual cost of postal fees plus any applicable duplication fees. Mailing is not required.
5. Facsimile transmission – If a request is made for facsimile transmission and the LTCC chooses to fax the copy instead of requiring personal pickup, the requester will pay the actual cost of facsimile plus any applicable duplication and certification fees. Facsimile is not required.
6. Duplication in special formats – If a request is made for duplication in a special format and the LTCC chooses to comply, the fee will be the actual cost. Specialized formats include, but are not limited to, removable electronic storage devices, color copies, and non-standard sized documents. Duplication in special formats is not required.
7. The LTCC may waive fees in circumstances it deems appropriate. If the LTCC receives a request for personal inspection of a record, but decides it is more convenient to mail, fax, or e-

mail a copy of the record, the LTCC will waive the fees associated with duplication and transmission.

Appendix 2 – Right-to-Know Law Contact Information

Contact Information for the LTCC Open Records Officer

Name: Jack Meyers

Title: Lehigh County LTCC Secretary/Open Records Officer

Office Address: _ Whitehall Township

3219 MacArthur Road

Whitehall, PA 18052

610-437-5524 x148

E-mail Address: jmeyer1@ptd.net

Contact Information for
Pennsylvania Office of
Open Records **Address:**

Commonwealth of
Pennsylvania Office of
Open Records
Commonwealth Keystone
Building 400 North
Street, Plaza Level
Harrisburg, PA 17120-
0225 717-346-9903

Email:

Executive Director:

Deputy Director:

Chief Counsel:

openrecords@state.pa.us
Terry Mutchler
Barry Fox
Leo L. Dunn

Appendix 3 – Right-to-Know Law: Sample Form



pennsylvania
OFFICE OF OPEN RECORDS

Right-To-Know Response Form

Re: Sample Denial

Date

Citizen Name

Address

Telephone Number

Dear [*Citizen*],

Thank you for writing to [*Public Body*] with your request for information pursuant to the Pennsylvania Right-To-Know law.

On [*Date received by agency*], you requested [*Describe information requested, or restate their request*]. Your request is denied for the following reasons, as permitted by Section 706 of the Act.

The [*Agency*] has denied your request because [*describe specific type of information, such as medical records, academic transcripts or other exemption items*] is exempt from disclosure. [*Must cite applicable section of the RTK law. If precluded from release by some other state or federal law, rule or regulation, you must cite that legal authority.*]

You have a right to appeal this denial of information in writing to Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120.

[*For Criminal Records*] appeal to the District Attorney Name, Address and Telephone Number.

If you choose to file an appeal you must do so within 15 business days of the mailing date of the agency's response, Section 1101. If you have further questions, please call [*Right-To-Know Officer*]. Please be advised that this correspondence will serve to close this record with our office as permitted by law.

Respectfully,

RIGHT-TO-KNOW OFFICER NAME [*information required to be typed*]
TITLE [*information required to be typed*]
BUSINESS ADDRESS [*information required to be typed*]
BUSINESS TELEPHONE [*information required to be typed*]

SIGNATURE



pennsylvania
OFFICE OF OPEN RECORDS

Right-To-Know Response Form

Re: Sample Granted Request

Date

Citizen Name
Address
Telephone Number

Dear *[Citizen]*,

Thank you for writing to *[Name of Public Body or Agency]* with your request for information pursuant to the Pennsylvania Right- To-Know law.

On *[insert date received by agency]*, you requested documents that *[insert description of information requested, or restate their request]*. Your request is granted and the requested responsive documents are enclosed.

Respectfully,

RIGHT-TO-KNOW OFFICER NAME *[information required to be typed]*
TITLE *[information required to be typed]*
BUSINESS ADDRESS *[information required to be typed]*
BUSINESS TELEPHONE *[information required to be typed]*

SIGNATURE



pennsylvania

OFFICE OF OPEN RECORDS

Right-To-Know Response Form

Re: Sample Granted in Part/Denied in Part

Date
Citizen Name
Address
Telephone Number

Dear **[Citizen]**,

Thank you for writing to **[Public Body]** with your request for information pursuant to the Pennsylvania Right-To-Know law.

On **[date received by agency]**, you requested **[description of information requested, or restate their request]**. Your request is granted in part and denied in part as follows. Your documents are enclosed.

However, the **[Agency]** has withheld information that is exempt from disclosure by law. We redacted **[Describe redacted information: Examples....social security number, academic transcripts, medical information, or other exemptions]** as outlined in Section 708(b).

This information is exempt from disclosure under **[CITE applicable section of the law. If precluded from release by other state or federal law, rule or regulation, you must cite to that legal authority.]**

You have a right to appeal this denial of information in writing to Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120.

[For Criminal Records] to the District Attorney of the County, Name, Address and Telephone Number. **[For Legislative Records]**: Contact information

If you choose to file an appeal you must do so within 15 business days of the mailing date of the agency's response, as outlined in Section 1101. If you have further questions, please call **[Right-To-Know Officer]**. Please be advised that this correspondence will serve to close this record with our office as permitted by law.

Respectfully,

RIGHT-TO-KNOW OFFICER NAME **[information required to be typed]**
TITLE **[information required to be typed]**
BUSINESS ADDRESS **[information required to be typed]**
BUSINESS TELEPHONE **[information required to be typed]**

SIGNATURE