

**\* \* \* Notice \* \* \***

**BOROUGH OF ALDAN**

**OPEN RECORDS POLICIES AND PROCEDURES**

Pursuant to the Pennsylvania Right to Know Law and Pennsylvania Open Records Law, legal U.S. Residents have a right to access and copy certain documents classified as public records. The Borough of Aldan has thus enacted its own policies, rules and procedures for RTKL/Open Records requests as found within Resolution 2009-03 enacted on October 14, 2009 by Borough Council. A summary of these rules and policies are set forth below.

**(1) Contact information for the Open-Records Official.**

The Borough Secretary, Marie V. Kaut, is the Open Records Official for the Borough. All requests for access to public records of the Borough shall be directed to Ms. Kaut at:

Borough of Aldan  
One West Providence Road  
Aldan, Pennsylvania 19018

(610) 626-3554 (telephone)  
(610) 622-3597 (facsimile)  
email: [Aldanborough@comcast.net](mailto:Aldanborough@comcast.net)  
Website: [www.aldan-boro.org](http://www.aldan-boro.org)

## **(2) Contact information for the Office of Open Records.**

If your request is denied by the Borough, you have a right to appeal the 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.

Telephone: 717-346-9903  
Facsimile : 717-425-5343

Email : **openrecords@state.pa.us**

## **(3) Form which may be used to file a request.**

The Borough will accept the universal request form promulgated by the Pennsylvania Office of Open Records. Copies may be obtained from the Aldan Borough Municipal Building or through the link at the bottom of this page.

## **(4) Regulations, policies and procedures.**

1. All requests for public records of the Borough under this policy shall be specific in identifying and describing each and every public record requested. In no case shall the Borough be required to create a public record which does not exist or to compile, maintain, format, or organize the public record.
2. All requests for public records shall be submitted in writing and include the date of the request, requestor's name, address, telephone number, signature of the requestor, and, if duplication is required, appropriate payment.
3. No copies of records will be released without payment in full for copying costs
4. When a request is received for access to public records, the Open Records Official shall make a determination within five (5) business days of receipt of the request, to grant or deny the request, or to partially grant and partially deny the request. Alternatively, the Open Records Official may decide that additional time is required if, after receiving a request for access to public records, the Open Records Official determines any of the following circumstances exist:
  - (A) The request for access requires redaction of a public record;

- (B) The request for access requires retrieval of a record stored in a remote location;
- (C) A timely response to the request for access cannot be accomplished due to bona fide and specified staff limitations;
- (D) A legal review of the request is necessary by the Borough Solicitor to determine whether the record is a public record subject to access under the Act;
- (E) The person or entity requesting access to the public record has not complied with the Borough's policies regarding access to public records; or
- (F) The person requesting access to the record refuses to pay applicable fees as contained herein.

The person or entity requesting access to the public record shall be informed in writing as to the specific reason that their request is being reviewed within the original five (5) business day period. The notice shall include a statement notifying the requestor that the request is being reviewed, the reason for review, a reasonable date that a response is expected to be provided and an estimate of applicable fees owed when the record becomes available. The review must be completed, and a final determination made, within thirty (30) days following the date the request was made. If the date a response is expected to be provided is in excess of 30 days, the request for access shall be deemed denied unless the requestor has agreed in writing to an extension to the date specified in the notice. If the requestor agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice where the agency has not provided a response by that date.

5. If a request for access to public records is denied, the person or entity requesting the information shall be notified in writing of the Open Records Official's decision within the applicable five (5) business day or thirty (30) business day period. Denials must be in writing, accompanied by a description of the record, the reason for denial including citation to the legal authority and contact information for the Borough's Open Records Official, date of response and procedures for appeal. The denial must be signed by the Open Records Official. Appeals from a denial may be filed within fifteen (15) days to the Pennsylvania Office of Open Records, Commonwealth Keystone Building, 400 North Street, Plaza Level, Harrisburg, PA 17120-0225 (phone: 717-346-9903).

6. The Borough shall charge copying fees in accordance with the rates approved by the Pennsylvania Office of Open Records. As of October 14, 2009 the copying fees are:

**Copies:**

\$0.25 per page.

( A "photocopy" is either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5" x 11" page )

**Certification of a Record:** \$1 per record.

Please note that certification fees do not include notarization fees.

**Specialized documents:** Actual Cost

For example, but not limited to, blueprints, color copies, non-standard sized documents

**Facsimile/ Other Media:** Actual Cost

**Conversion to Paper:** If a record is only maintained electronically or in other non-paper media, duplication fees shall be limited to the lesser of the fee for duplication on paper or the fee for duplication in the original media unless the requester specifically requests for the record to be duplicated in the more expensive medium.

**Postage Fees:** Actual Cost of Mailing

**Vehicle accident report:** \$15 per report

7. If the estimated costs of duplication of a public record is expected to exceed One Hundred Dollars (\$100.00), the Borough may require the person or entity requesting the record to prepay the estimated fees authorized by this policy, prior to providing access to the public record. Access to the records requested shall be postponed until prepayment is received.

8. **Inspection of Redacted Records:** If a requester wishes to inspect rather than receive a copy of a record and the record contains both public and non-public information, the Borough shall redact the non-public information. The Borough will charge for the copies it must make of the redacted material in order for the requester to view the public record. The fee structure outlined above will apply. If, after inspecting the records, the requester chooses to obtain the copies, no additional fee will be charged.