

RESOLUTION 15 of 2018

A RESOLUTION OF THE BOARD OF SUPERVISORS OF EAST BRANDYWINE TOWNSHIP, CHESTER COUNTY PENNSYLVANIA, TO COMPLY WITH OPEN RECORDS LAW, ACT 100 OF 2002 AND ACT 3 OF 2008, THE RIGHT TO KNOW LAW

WHEREAS, The Open Records Law, Act 100 of 2002 and Act 3 of 2008, the Right to Know Law gives Townships responsibilities for providing access to public records and requires them to develop an open records policy: and

WHEREAS, the Board of Supervisors desires and intends to comply with the Open Records Law, Act 100 of 2002 and Act 3 of 2008, the Right to Know Law.

NOW, THEREFORE, be it resolved by the Board of Supervisors of East Brandywine Township, Chester County, that the Open Records policy will be as follows:

Requests

1. Public records will be available for inspection and copying at the Township Municipal Building during normal business hours, Monday through Friday, 9:00 A.M. to 4:00 P.M., with the exception of weekends and holidays.
2. Requests for East Brandywine Township will be in writing and directed to the appointed Open Records Officer in place for Township matters at the Township Municipal Building, 1214 Horseshoe Pike, Downingtown, PA 19335, or the appointed Open Records Officer in place for Police matters at the East Brandywine Township Police Department, 1212 Horseshoe Pike, Downingtown, PA 19335. Written requests shall be on a form provided by the Township and include the date of the request, the name and address of the requestor, identify or describe the records sought with sufficient specificity to enable the Township to ascertain which records are being requested.

Fees

1. Copies will be \$0.25 per page per side. If "True and Correct Certification" is requested, an additional charge of \$1.00 for each certification will be added. The Township will charge the actual cost for specialized documents, such as color copies or blueprints as well as the actual cost for fax, microfiche, or other media, and actual cost for postage. The Township will require prepayment if the total fees are estimated to exceed \$100.00.

Response

1. The Township will make a good faith effort to provide the requested public records as promptly as possible. Township employees shall cooperate with those requesting to review and/or duplicate original Township documents while taking all reasonable measures to protect Township/Police Department documents from the possibility of theft and/or modification.
2. The Open Records Officer shall review all written requests for access to public records. As soon as possible, but no later than five business days after receiving a written request to access public records, the Open Records Officer shall respond to all such requests in a manner consistent with Act 100 of 2002, the Open Records Law and Act 3 of 2008 the Right to Know Law.
3. Exception – Reasons the Township may not be able to respond within 5 business days include, but are not limited to:
 - a. The request for access requires the retrieval of a record stored in a remote location.
 - b. A timely response to the request for access cannot be accomplished due to specified staffing limitations.
 - c. A legal review is necessary to determine whether the record is a public record subject to access under this Act.
 - d. The requester has not complied with the policies regarding access to public records.
 - e. The requestor refuses to pay applicable fees as outlined in this Resolution.
 - f. Redaction of records is required.
 - g. The extent or nature of the request precludes a response within the required time period.
4. Upon a determination that one of the exceptions listed above applies, the Open Records Officer shall send written notice to the requestor within five business days of receipt of the request. The notice shall include a statement notifying the requestor that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided and an estimate of applicable fees owed when the record becomes available.
5. If the date that a response is expected to be provided is in excess of 30 days, following the five business days permitted by the Act, 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 if the Township has not provided a response by that date.

Denials

1. 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:
 - a. A description of the record requested.
 - b. The specific reasons for the denial, including a citation of supporting legal authority.
 - c. 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.
 - d. Date of the response.
 - e. The procedure to appeal the denial of access under the Act.

Appeals Process

1. If a written request is denied, the requestor 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: Office of Open Records, 333 Market Street, 16th Floor, Harrisburg, PA. 17101-2234, or via fax (717-425-5343).
2. Appeals of criminal records shall be made to: Chester County District Attorney, Thomas P. Hogan, 201 W. Market Street, P.O. Box 2746, West Chester, PA 19380-0989.

Adopted by the Board of Supervisors this Thursday, May 17, 2018.

BY THE EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS



Kyle P. Scribner, Chairman

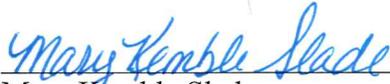


Jay G. Fischer, Vice-Chairman



Jason R. Winters, Member

Attest:



Mary Kemble Slade
Secretary/Treasurer
East Brandywine Township