

Comm mtg. 3/24/04/js

BOARD OF COMMISSIONERS OF DAUPHIN COUNTY PENNSYLVANIA

Resolution No. 7 of 2004

WHEREAS, the Pennsylvania Right-to-Know Law, 65 P.S. § 66.1 et seq., as amended, provides access to public records including the records of Dauphin County; and

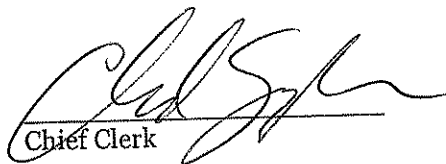
WHEREAS, the Board of Commissioners on behalf of Dauphin County, recognize the right of the public to have reasonable access to documents necessary for the conduct of government as set forth in Right-to-Know Law.

NOW THEREFORE, the Board of Commissioners of Dauphin County adopt the Dauphin County Right-to-Know Law Policy. This policy shall become effective immediately. Nothing in this policy shall alter or amend any charges for copies in any office other than that under the jurisdiction of the Chief Clerk/Chief of Staff.

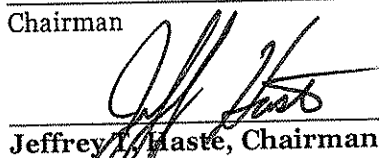
DULY RESOLVED AND ENACTED this 24th day of March, 2004 by The Board of Commissioners in lawful session duly assembled.

BOARD OF COMMISSIONERS

ATTEST:


Chief Clerk

Chairman


Jeffrey Masté, Chairman


Dominic D. DiFrancesco, II, Vice-Chairman


George P. Hartwick, III, Secretary

*Amended
3/24/04/jen*

DAUPHIN COUNTY RIGHT-TO-KNOW LAW POLICY

Access to Public Records

The purpose of this policy is to assure compliance with the Pennsylvania Right-to-Know Law, 65 P.S. § 66.1 et seq., as amended, to provide access to public records of Dauphin County, to preserve the integrity of the records of Dauphin County, and to minimize the financial impact to the residents of Dauphin County regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

It is the policy of Dauphin County 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 Dauphin County. The County Chief Clerk/Chief of Staff is designated as responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines:

1. The Chief Clerk/Chief of Staff may designate certain employee(s) to process public records requests.
2. The Chief Clerk/Chief of Staff is responsible for minimizing, where possible, the financial impact to the County 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 County under this policy shall be specific in identifying and describing each public record requested. In no case shall the County 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 County does not currently compile, maintain, format or organize the public record. All requests for public records shall be submitted in writing and on a form provided by the County, as attached hereto, entitled "Dauphin County Public Record Review/Duplication Request".
4. The designated employee shall make a good faith effort to determine whether each record requested is a public record.
5. The Chief Clerk/Chief of Staff shall facilitate a reasonable response to a request for County public records. In all cases the County shall respond in a manner consistent with the County's administrative responsibilities and consistent with the requirements of the Pennsylvania Right-to-Know Law.
6. The designated employee shall respond to the requester within five (5) business days from the date of receipt of the written request. If the County does not respond within five (5) business days of receipt thereof, the request is deemed denied.

7. The response provided by the County shall consist of review of the request by the designated employee and either: (1) approval for access to the public record; or (2) denial of access to the record requested.

8. If access to the public record requested is approved, the public record shall be available for access during regular business hours of the County. The designated employee shall cooperate fully with the requester, while also taking reasonable measures to protect County public records from the possibility of theft, vandalism and/or modification. The presence of a designated employee is required when public records are examined and inspected.

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

(a) For all offices where, either by statute or previous rule, a photocopying charge has been set or published, the same would apply.

(b) For offices for which no copy rate has been set by statute or previous rule, the photocopying charge will be 25 cents (\$.025) per page.

(c) Duplication of public electronic and/or tape records: actual cost to the County of duplicating the public record.

(d) Certified copies: \$1.00 per page.

(e) Postage: actual cost to the County of mailing the public record. The County may, in its discretion, waive fees.

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

11. If the request is being reviewed, the notice provided by the County 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 County 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 granting 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 County's policy and procedural requirements; or

(f) The requester refuses to pay the applicable fees.

12. If access to requested information is denied, the notice provided by the County shall be in writing as indicated on the form attached hereto entitled "Denial of Request to Review and/or Duplicate County Records".

13. If the request is denied or deemed denied, the requester may file exceptions with the Chief Clerk/Chief of Staff within fifteen (15) days of the mailing date of the County's notice of denial, or within fifteen (15) days of a deemed denial. The exception must:

(a) Indicate the date of the original request;

(b) Identify and describe the record(s) requested;

(c) State the grounds upon which the requester asserts the record(s) is a public record; and

(d) Address any grounds stated by the County in its notice of denial.

14. The Board of Commissioners of Dauphin County shall review exception properly filed and may conduct a hearing to assist in making a final determination. A final determination will be made within thirty (30) days of the mailing date of an exception, unless extended by the parties. If the denial is upheld, the decision shall contain a written explanation of the reason for denial and an explanation of the process for further appeal.

15. This policy shall be posted conspicuously at the Dauphin County Building, and shall be directed to all application Dauphin County offices.

16. This policy shall take effect immediately upon adoption by the Dauphin County Board of Commissioners.

County may decide to conduct a hearing within that time to assist in the making of the decision.

- OR -

Within thirty (30) days of the notice of denial, or within thirty (30) days of the County's final decision (in the event that you have filed an exception), file a petition for review in the Dauphin County Court of Common Pleas or bring an action in the local District Magistrate's office.

**DAUPHIN COUNTY
PUBLIC RECORD REVIEW/DUPLICATION REQUEST**

Please print legibly.

Date of Request: _____

Requester's Name: _____

Requester's Address: _____

Requester's Telephone 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 Dauphin County Chief Clerk/Chief of Staff, or his designee, 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:

~~Robert Burns~~, Chief Clerk/Chief of Staff
Dauphin County Administration Building, 4th Floor
2 South Second Street
Harrisburg, PA 17101
Facsimile: (717) 255-2684

**DAUPHIN COUNTY
PUBLIC RECORD REVIEW/DUPLICATION REQUEST**

To be completed by:

Request No.: _____

Date Received: _____

Action Taken:

Approved: Date of approval: _____

Denied: Date notice mailed: _____

Additional Review: Date notice mailed: _____

**DAUPHIN COUNTY
DENIAL OF REQUEST TO REVIEW AND/OR DUPLICATE**

Date of denial: _____

Requester's Name: _____

Requester's Address: _____

Re: Denial of Request to Review and/or Duplicate _____
Request No.: _____
Date of Request: _____

Dear Mr./Mrs./Ms. _____:

Please be advised that your request to review/duplicate [strike out inappropriate request] the following records:

has been denied for the following reason(s):

This denial is based upon the following legal authority:

You have the right to appeal this decision. If you appeal, you must either:

1. Within fifteen (15) days of the notice of denial or deemed denial, file exceptions with the Chief Clerk/Chief of Staff of Dauphin County in accordance with the Policy for Implementing the Amended Right-to-Know Law of Dauphin County.

If you file exceptions, the County has thirty (30) days in which to respond to your exceptions, unless extended by the parties. The Board of Commissioners of Dauphin