

**THE DAUPHIN COUNTY REDEVELOPMENT AUTHORITY
RIGHT-TO-KNOW POLICY FOR PUBLIC RECORDS**

I. Introduction

The Dauphin County Redevelopment Authority (the "Authority") is a Redevelopment Authority under the Urban Redevelopment Law of May 24, 1945, P.L. 991, as amended, 35 P.S. Section 1701 et seq. As such, the Authority is a local agency for purposes of the Right-to-Know Law, 65 P.S. Section 67 101 et seq.

All local agencies are required to provide public records in accordance with the Right-to-Know Law. Any record in the possession of the Authority is presumed to be a public record, except in the following circumstances:

- (a) The record is exempt under section 708 of the Right-to-Know Law;
- (b) The record is protected by the attorney-work product doctrine, the attorney-client privilege, or other privilege recognized by the laws of the Commonwealth of Pennsylvania (i.e., statute or case law); or
- (c) The record is exempt from disclosure under any other federal or state law or regulation, or judicial order or decree.

Records are broadly defined under the Right-to-Know Law. The term 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.

II. Access and Procedure

Requesters may make oral requests for access to records. However, if the requester wishes to pursue the relief and remedies provided for in the Right-to-Know Law, the request for

access to records must be a written request. A written request for access to records may be submitted in person, by mail, by e-mail, or by facsimile.

The Authority designates the Executive Director, August Memmi, to act as the Open-Records Officer ("Officer"). The Officer's contact information is set forth below:

August Memmi
Executive Director
Dauphin County Housing Authority
112 Market Street, 7th Floor
Harrisburg, PA 17101
(717) 780-6250
amemmi@dauphinc.org

Questions regarding this policy may be directed to the Officer at the telephone or email address listed above. The Officer may periodically issue bulletins in connection with this policy, and all such bulletins shall be part of this policy and shall be posted along with this policy on the Authority's internet website.

All written requests must be addressed to the Officer. In the event that written requests for records are addressed to anyone under the jurisdiction of the Authority other than the Officer, others are hereby directed to promptly forward such requests to the Officer.

Written requests should identify or describe the record sought with sufficient specificity to enable the Authority to ascertain which records are being requested. Unless otherwise required by law, a written request need not include any explanation of the requester's reason for requesting the records or the intended use of such records. A form which may be used to file a request is posted on the Authority's internet website at _____. The Authority shall establish a log and shall assign a tracking number to each filed form so as to track the Authority's progress in responding to requests under the Right-to-Know Law.

Prior to granting a request for access in accordance with the Right-to-Know Law, the Authority may require a requester to prepay an estimate of the fees authorized by law if the fees required to fulfill the request are expected to exceed \$100.00. The fee for copying shall be \$0.25 per page which is determined to be a reasonable fee. The fee for mailing or delivery will be the actual cost incurred by the Authority. The fees for all other allowable costs must be reasonable and based on prevailing fees for comparable duplication services provided by local business entities. Except as otherwise provided by statute, no other fees will be imposed unless the County necessarily incurs costs for complying with the request, and such fees must be reasonable.

In all circumstances, the requester must pay applicable fees authorized by the new Right-to-Know Law, such as (but not limited to) postage (not to exceed actual cost of mailing), duplication and certification.

A record being provided to a requester will be provided in the medium requested if it exists in that medium; otherwise, it shall be provided in the medium in which it exists. The Authority is not required to create a record which does not currently exist or to otherwise compile, maintain, format or organize a record in a manner in which it does not currently compile, maintain, format or organize such record. The Authority may impose reasonable fees for official certification of copies if the certification is at the behest of the requester and for the purpose of legally verifying the public record.

Upon receipt of a written request for a public record, the Officer shall do the following:

- (a) Note the date of the receipt on the written request and assign a tracking number to the request;

- (b) Compute the day on which the five-day period (see discussion of Response, below) will expire, and make a notation of that date on the written request; and
- (c) Create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications; and
- (d) Note the request and relevant dates in a log maintained and all requests under the Right-to-Know Law

III. Authority's Response

Upon receipt of a written request for access to a record, the Authority will make a good faith effort to determine if the record requested is a public record and whether the Authority has possession, custody or control of the identified record. When doing so, the Authority will respond as promptly as possible under the circumstances existing at the time of the request. The Authority must send a response within five (5) business days of receipt of the written request for access, or else the written request shall be deemed denied. For purposes of this policy, a business day is any Monday, Tuesday, Wednesday, Thursday or Friday, except those days when the Authority's main offices are closed for all of a day due to a holiday, namely: New Year's Day, Martin Luther King Day, Presidents Day, Memorial Day, July 4th, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day.

Upon receipt of a written request for access, the Officer shall determine if one of the following applies:

- (a) The request for access requires redaction of a record in accordance with the new Right-to-Know Law;

- (b) The request for access requires the retrieval of a record stored in a remote location;
- (c) A timely response to the request for access can not be accomplished due to bonified and specified staffing limitations;
- (d) A legal review is necessary to determine whether the record is a record subject to access under the Right-to-Know Law;
- (e) The requester has not complied with the Authority's policies regarding access to records;
- (f) The requester refuses to pay applicable fees authorized by the Right-to-Know Law; or
- (g) The extent or nature of the request precludes a response within the required time period of five (5) business days.

Upon a determination that one of the factors listed above applies, the Officer will send written notice to the requester within five (5) business days of receipt of the request for access. The notice will include a statement notifying the requester 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. Information which the Authority redacts in accordance with the new Right-to-Know Law shall be deemed a denial as to that information.

If the date that a response is expected to be provided is in excess of thirty (30) calendar days, following the five (5) business days allowed for above, the request for access shall be deemed denied unless the requester agrees in writing to an extension to the date specified in the notice. If the requester agrees to the extension, the request shall be deemed denied on the day

following the date specified in the notice if the Authority does not provide a response by that date.

For purposes of this policy, the "mailing date" shall be the date affixed to a: (1) response from the Officer to a request, which is to be the date the response is deposited in the U.S. mail or other transmission method; (2) final determination from the Officer, which is the date the final determination is deposited in the U.S. mail or other transmission method.

IV. Appeal of Authority's Determination

If a written request for access to a record 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 or transmission date of the Authority's response or within fifteen (15) business day of a deemed denial. The appeal shall state the grounds upon which the requester asserts that the record is a public record, and/or shall address any grounds stated by the Authority for delaying or denying the request.

The Office of Open Records has established a internet website with information relating to the Right-to-Know Law, including but not limited to information on fees, advisory opinions and decisions.

V. Retention of Records

The Authority hereby publicly declares its intention to follow the Municipal Records Act, 53 Pa. C.S.A. § 1381 et seq., with respect to the retention and disposition of public records. Nothing in this policy shall be construed to require access to any Authority computer, or that of any individual associated with or employed by the Authority.

DULY ADOPTED AND RESOLVED, by the Board of Directors of the Dauphin County
Redevelopment Authority, in lawful session, on the _____ day of February, 2010.

ATTEST:

Matthew Tunnel, President

Gary Lenker, Secretary