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Armstrong Conservation District

Right-to-Know Policy and Procedures

Adopted September 18, 2024

Public Access to Information

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I. GENERAL

This policy establishes the District's procedures for meeting its obligations under the Pennsylvania Right-to-Know Law, 65 P.S. § 67.101 *et seq*. It applies to all requests for "public records". This document establishes the framework within which the District will exercise its administrative discretion. The District recognizes the value of making information available to the public and is committed to continually improving public access to public information and fostering public participation in the decision-making process.

The Office of Open Records may promulgate regulations setting forth different or additional requirements and procedures, and these should be consulted.

A. Open Records Officer

The District has designated the following individuals who shall serve as its Open Records Officers. All requests for public records are administered by an Open Records Officer. Requests should be directed to one of the Open Records Officers below:

Holly A. Laird
Agency Open Records Officer
Email: halaird@co.armstrong.pa.us

or

Jennifer D. Jack
Agency Open Records Officer
Email: jdjack@co.armstrong.pa.us

Armstrong Conservation District
124 Armsdale Road, Suite 1
Kittanning, PA 16201
Phone: (724) 548-3425

B. Requests for Public Records

All Right-to-Know requests must be in writing and be directed to the District's Open Records Officer. The requests must be submitted on the Pennsylvania Office of Open Records Standard Right-to-Know Law Request Form for access to records under this policy. Any requests made on forms other than the Pennsylvania Office of Open Records Standard Right-to-Know Law Request Form shall be denied. All requests must be signed by the individual making the request and must include a mailing address, email address and phone number for replies. See Appendix A for this request form. If the requester wishes to pursue the relief and remedies provided for under the Pennsylvania Right-to-Know Law (i.e. pursue an appeal of a denial), the request must be in writing.

Requests must describe the records sought with sufficient specificity to enable the District to ascertain which records are being requested. The request must include the name and address to which the response is to be sent. The District does not accept anonymous requests. A "requester" is defined in section 67 P.S. § 67.102 in the Right-to-Know Law as, "A person who is a legal resident of the United States and requests a record pursuant to this act. The term includes an agency." An anonymous request does not meet the definition of "requester".

If the District receives a request for a public record that is not in the possession of the District, the Open Records Officer will: 1) notify the requester that they do not possess the requested record; 2) direct the request to appropriate persons in another agency.

C. Classification of Records

Public Records are defined as:

1. Information that documents a transaction or activity of the District, and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the District,
2. **Except** where a record meets any of the following:
    a. it falls into one the exemptions under the RTK law,
    b. access is restricted under any state or federal law or regulation or
    c. it is protected by a legal privilege, such as attorney-client privilege.

Records Exempt from being Public Records

Under the law some types of records are not available to the public. In this category are personal notes, computer security information, draft minutes, notes from an executive session, confidential proprietary information or trade secrets, medical information, personal identifiers, employee records, labor relations, criminal and non-criminal investigative records, non-real estate tax records, driver records, attorney-client communications, or records that if disclosed could jeopardize state or federal funds. This is a partial list of the exempted records. For a complete list, the requester may reference Section 708 of the Right-to-Know Law. The District will assume that the requester is not asking for these types of records unless specifically requested. In most cases, these exempted records will not be provided.

D. Procedures for Reviewing Requests for Public Records

Operating Procedures

The District's Open Records Officer will ensure that the Operating Procedures described in Section II of this Policy are followed.

Reviewing Records

Following the submittal of a request the District will make every effort to fulfill the request within five business days of receipt by the District's Open Records Officer. This may include notifying the requestor that the records will be made available for review and copying at the District.

If the request cannot be fulfilled in five business days, the District's Open Records Officer will send written notice, including email, to the requester stating the reason(s) why additional time is needed, when the office expects to be able to fulfill the request, and any fees that may be required. See Operating Procedures, Section II.

If the District's Open Records Officer believes that a record contains confidential proprietary information or trade secrets, the Officer will notify the third party that provided the information of the request, within five days of the request. The third party will then have five days from receipt of the notice to provide input on the release of the record. The Officer will decide whether the information qualifies as confidential proprietary information or trade secrets within ten days after that third party has received the notice.

E. Denial of request for Public Records

If an agency'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:

1. A description of the record requested
2. The specific reasons for the denial, including a citation of supporting legal authority.
3. The printed name, title, business address, business phone number, and signature of the open records officer on whose authority the denial is issued.
4. Date of the response
5. The procedure to appeal the denial

F. Access to Records

The District may respond by notifying the requestor that a record is available through publicly-accessible electronic means such as the District's website, or another agency's website. The District may also provide the records electronically through email or other means such as a CD.

The District may also choose to make the records available for review and copying at the District. However, the District's copying facilities are limited. No records may be removed from the District offices except by District staff. If the District is unable to send the requested documents to the requestor, in house arrangements will be made to have them duplicated. Copying and other fees are listed in Appendix B.

II. OPERATING PROCEDURES

A. *Within 5 business days of receipt of written request by the District Open Records Officer:*

1. Immediately upon receipt of a request the District Open Records Officer will date stamp the request, record the request in a logbook, compute the day that the five-day response expires and make a notation of that date on the request.

2. The District will do a thorough search for the records requested and determine whether they are public records as provided in the Right-to-Know Law.

3. For records involving programs delegated to or contracted with the District by DEP, the State Conservation Commission or other agency, the District will confer with the State Conservation Commission, DEP or other agency as needed. The District will also confer with District legal counsel as needed (DEP or Department of Agriculture legal counsel (or the county solicitor where appropriate)).

4. The District Open Records Officer reviews, signs, mails and logs response. **A response will be sent within 5 business days of receiving any written request**.

   - The response can be information about how and when the requestor can visit the District to view the records.
   - The response can include information that the requested materials are available upon payment of applicable fees.
   - The response can be a denial of the request in whole or in part; any denials will specify:
     i. A description of the record requested
     ii. The specific reasons for the denial, including a citation of supporting legal authority
     iii. The printed name, title, business address, business phone number, and signature of the open records officer on whose authority the denial is issued
     iv. Date of the response
     v. The procedure to appeal the denial
   - The response may be a statement that the Open Records Officer will be taking additional time (not exceeding 30 calendar days) to respond, if one or more of the following reasons applies:
     i. Removal of confidential proprietary (or otherwise restricted) information
     ii. Records are at a remote location
     iii. Specified staffing limitations prevent a timely response
     iv. Legal review is required
     v. Requester is not complying with the District's policies, including failure to pay fees
     vi. The extent or nature of the request precludes a response within the required time period

B. *After (if) the District Open Records Officer responds that some or all of records requested are available:*

1. The Open Records Officer provides access to the records as arranged with the requestor.
2. If records are electronic, Open Records Officer arranges for computer viewing, duplication or the District may respond by notifying the requestor that a record is available through publicly-accessible electronic means such as the District's website, or another agency's website.
3. If the District will make copies, and if copying costs exceed $100, Open Records Officer collects costs before copying and logs payment; upon delivery of copies, Open Records Officer collects any unpaid fees and logs payment.
4. If the requester fails to retrieve the requested records within 60 days of the Districts response the District will dispose of any copies which have not been retrieved and retain any fees paid to date.

III. APPEALS

A. Appealing the District's Response

The Right-to-Know Law provides an appeal process through the Office of Open Records. Here is a summary of that process:

1. **File an appeal.** If a requester wishes to dispute the District's denial, the requester must send his or her appeal to:

Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234

The appeal must be mailed within 15 business days of the mailing date indicated on the District's response, or if no response is provided then within 15 days of the date the request is deemed to be denied.

The requestor's appeal must contain all of the following: a copy of the Right-to-Know request, a copy of the Agency's response (or notation that the Agency did not respond), a written statement explaining the grounds on which the requester asserts that the record is a public record, and a written statement addressing any grounds stated by the agency for denying the request.

2. **Appeal Process**. Unless the requestor agrees otherwise to the timing, the appeals officer will make a final determination within 30 calendar days of the date the dispute letter is mailed. Prior to issuing its determination, the appeals officer may, at his or her discretion, conduct a hearing. The appeals officer will provide a written explanation of the reason for the decision to the requester and the District. If the appeals officer fails to issue a final determination within 30 days, the appeal is deemed denied.

Appendix A

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OFFICE OF OPEN RECORDS

Standard Right-to-Know Law Request Form

Good communication is vital in the RTKL process. Complete this form thoroughly and retain a copy; it may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied.

SUBMITTED TO AGENCY NAME:_____(Attn: AORO)

Date of Request:_____Submitted via: ☐ Email ☐ U.S. Mail ☐ Fax ☐ In Person

PERSON MAKING REQUEST:

Name:_____Company (if applicable): _____

Mailing Address: _____

City:_____State:_____Zip:_____Email: _____

Telephone:_____Fax:_____

How do you prefer to be contacted if the agency has questions? ☐ Telephone ☐ Email ☐ U.S. Mail

RECORDS REQUESTED: *Be clear and concise. Provide as much specific detail as possible, ideally including subject matter, time frame, and type of record or party names. RTKL requests should seek records, not ask questions. Requesters are not required to explain why the records are sought or the intended use of the records unless otherwise required by law. Use additional pages if necessary.*

Do you want certified copies? ☐ Yes (*may be subject to additional costs*) ☐ No
RTKL requests may require payment or prepayment of fees. See the Official RTKL Fee Schedule for more details.

Please notify me if fees associated with this request will be more than ☐ $100 (or) ☐ $_____.

ITEMS BELOW THIS LINE FOR AGENCY USE ONLY

Tracking:_____Date Received:_____Response Due (5 bus. days): _____

30-Day Ext.? ☐ Yes ☐ No (If Yes, Final Due Date:_____) Actual Response Date: _____

Request was: ☐ Granted ☐ Partially Granted & Denied ☐ Denied Cost to Requester: $_____

☐ Appropriate third parties notified and given an opportunity to object to the release of requested records.

NOTE: In most cases, a completed RTKL request form is a public record. Form updated Feb. 3, 2020

More information about the RTKL is available at https://www.openrecords.pa.gov

Appendix B

Right-to-Know Law Record Request
Schedule of Fees

RECORD TYPE	FEE
Copies	.25 per page
Certification of a Record	$1 per record, not per page. Please note that certification fees do not include notarization fees. Notary Fee – Actual Cost
Specialized documents	Actual cost
Facsimile/Microfiche /Other Media	Actual cost
Redaction Fee	None
Postage Fees	Actual Cost