

# **Borough of Freemansburg, Northampton Co., PA**

## **RESOLUTION # 2008 - 041**

A RESOLUTION OF THE BOROUGH OF FREEMANSBURG, NORTHAMPTON COUNTY, PENNSYLVANIA, HEREBY ESTABLISHING POLICIES AND PROCEDURES FOR ACCESS TO PUBLIC RECORDS IN ACCORDANCE WITH THE PENNSYLVANIA RIGHT-TO-KNOW LAW ACT 3 OF 2008

This resolution, approved and adopted by the Council of the Borough of Freemansburg, Northampton County PA on the date hereinafter set forth. The purpose of this policy is to assure compliance with the Pennsylvania Right-to-Know Law, Act 3 – 2008 ('Act'), to provide access to public records of the Borough of Freemansburg. All records in possession of the local agency shall be presumed to be public record unless (a) the record is exempt under Section 708 of the 'Act', (b) the record is protected by privilege, and/or (c) the record is exempt under any other Federal or State law or judicial order or decree. This policy hereby established the following:

**1. Designation of the Right-to-Know Officer:**

- a. The Freemansburg Borough Council hereby appoints the Borough Manager as the Right-to-Know Officer (RTK Officer) for the Borough of Freemansburg. The RTK Officer is responsible to:
  - i. Receive requests submitted to the agency
  - ii. Direct requests to other appropriate persons within the agency or in another agency
  - iii. Track the agency's progress in responding to requests
  - iv. Issue interim and final responses required under this act
  - v. Maintain records of all RTK requests, responses and dispositions

**2. Records Management Analysis:**

- a. The Borough of Freemansburg Council has previously created a Records Retention / Management Policy, Resolution # 2008-031, in accordance with the Pennsylvania Municipal Records Manual

**3. Informing all Staff of the new Right-to-Know Law:**

- a. All Employees of the Borough are required to prioritize RTK requests and forward them to the RTK officer in accordance with the time frames as established by the 'Act'
- b. Failure to comply with deadline may result in fines as established by the 'Act'

**4. Right to Know Request Forms and Response Letters:**

- a. Request forms will be available at the Borough offices, 600 Monroe Street, Freemansburg, PA 18017 during regular business hours 8:00 am to 4:00 pm Monday through Friday unless otherwise posted.
- b. Request forms will also be made available on the Borough's website
- c. All requests for public records of the Borough of Freemansburg under this policy shall be specific in identifying and describing each 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. All requests for public records shall be submitted in writing, whether in person, by mail, fax, or email and on a form provided by the Borough, and attached hereto and made a part hereof.

- d. The designated employee shall respond to the requester within five (5) working days from the date of receipt of the written request. Within five working days, the agency must:
- i. Grant the request and provide the record
  - ii. Deny the request in whole or part, cite the reason for the denial and outline the appeals process for the requestor
  - iii. Invoke a 30 day calendar extension
- e. If access to the public record requested is approved, the public record shall be available for access during the regular business hours of the Borough office. The designated employee shall cooperate fully with the requestor, while also taking reasonable measures to protect the Borough's public records from the possibility of theft and/or modification. The presence of a designated employee is required when public records are examined and inspected.

**5. Fees:**

- a. Fees for duplication of public records shall be as established by the Pennsylvania Office of Open Records and reflected on the Borough's fee schedule.

**6. Appeals:**

- a. The requestor must submit their request in writing in order to reserve his right to appeal
- b. The requestor must appeal the decision to the State Open Records Office within 15 business days from the date of the mailing date of the agency response.
- c. An appeal must state the grounds for asserting openness and address the grounds of the agency denial

**7. Public Notice:**


- a. This policy shall be posted conspicuously at the Borough Offices, 600 Monroe Street, Freemansburg, PA 18017 and on the Borough's website at [www.boroughoffreemansburg.org](http://www.boroughoffreemansburg.org).

**8. Effective Date:**

- a. This policy shall take effect on January 1, 2009

RESOLVED and ENACTED this 29th day of December, 2008.

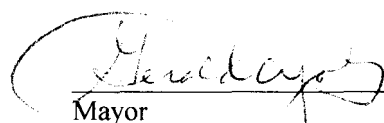
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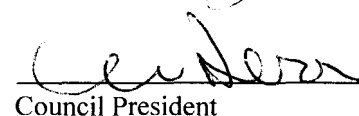
Borough Secretary

(Municipality Seal)

**The Borough of Freemansburg Council:**

  
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Mayor

  
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Council President