



POLICY 801 - RIGHT-TO-KNOW LAW

INSPECTION AND COPYING OF PUBLIC RECORDS

I. PURPOSE

The purpose of this policy is to establish procedures to ensure the district complies with the requirements of the Right-to-Know Act, 65 P.S. § 67,101 *et seq*, which allows residents of the United States to inspect and obtain copies of public records.

II. DEFINITIONS

For purposes of this policy, the terms set forth below shall have the following meanings:

“Business Day” shall mean a calendar day in which the administrative office of the district is open for business and does not include any school day where the administrative offices are closed due to inclement weather, holidays or emergencies.

“Financial Record” shall mean any (1) account, voucher or contract dealing with the receipt of disbursement of funds or acquisition, use or disposal of services, supplies, materials, equipment or property, or (2) the salary or other payments or expenses paid to an officer or employee of the school district, including the individual’s name and title, and (3) a financial audit report excluding the audit’s underlying work papers.

“Public Record” shall mean a record, including a financial record, of the district that (i) is not exempt from disclosure under Pennsylvania’s Right-to-Know Act, (ii) is not exempt from being disclosed under any federal or state law, regulation, judicial order or decree, and (iii) is not protected by a privilege.

“Record” shall mean information, regardless of physical form or characteristic, that documents a transaction or activity of the school district and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the school district. The term “record” 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.

“Requester” shall mean any person who is a resident of the United States and requests access to a record pursuant to the Right-to-Know Act.

“Response” shall mean access to a record or written notice from the district granting, denying or partially granting and partially denying access to a record.

III. OPEN RECORDS OFFICER

The School Board designates the Business Manager/Board Secretary to act as the district's Open Records Officer.

The Open Records Officer shall be responsible for the following duties in order to implement the requirements of this policy:

1. Receive all written requests for access to records submitted to the district.
2. Direct requests to other appropriate persons within the district or in another agency for a response.
3. Track the district's progress in responding to requests for access to records.
4. Issue interim and final responses to submitted requests.
5. Maintain a log of all record requests and the district's responses.
6. Ensure appropriate school district staff are trained to perform assigned job functions relative to request for access to records.

After receiving a written request for access to a public record, the Open Records Officer shall take the following steps in order to track the ongoing status and final disposition of the district's response:

1. Note the date on which the written request was received by the school district.
2. Compute the day on which the five (5) business-day period for the district's response will expire, and make a notation of that date on the written request.
3. Maintain an electronic or paper copy of the written request, including all documents submitted with the request, at least until the request has been fulfilled.
4. If the written request is denied, in full or in part, maintain the written request for at least thirty (30) days, or, if an appeal is filed to challenge the denial, until a final determination is issued regarding the appeal.

The district shall post the following information in the Administration Building and on its official website to implement this policy and comply with the Right-to-Know Act:

1. Contact information for the district's Open Records Officer:
2. Contact information for the State Office of Open Records.

Commonwealth of Pennsylvania
Office of Open Records
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-00225
(Ph) 717-346-9903
(Fax) 717-425-5343
openrecords@state.pa.us

3. A copy of the district's form which may be used to file a request.
4. A copy of this policy and the Administrative Regulations.

IV. REQUESTS FOR ACCESS TO PUBLIC RECORDS

Any requester seeking access to, or duplication of, a public record must submit a written request addressed to the Open Records Officer. All district employees are directed to forward written requests for access to public records to the Open Records Officer if they are inadvertently sent to them.

A requester must complete the Right-to-Know Request Form created by either the district or the State Office of Open Records when submitting a written request. Copies of the district's form may be obtained on the district's official website. The written request must identify or describe the public record sought with sufficient specificity to allow the Open Records Officer to determine which record is being requested and the name and address to which the district should send its response.

The district may, in its sole discretion, honor verbal requests for public records in cases where access can be allowed immediately. However, a verbal request shall not be considered an official request requiring a district response under this policy.

Any requester may submit a written request to the Open Records Officer using one of the prescribed Right-to-Know request Forms in the following manner:

In person: At the district's administrative offices, 835 Old Clairton Road, Jefferson Hills, PA 15025, on any business day during the regular business hours.

By regular mail: Send to the attention of the Open Records Officer at the district's administrative offices at 835 Old Clairton Road, Jefferson Hills, PA 15025.

By facsimile: Send to the attention of the Open Records Officer at the following facsimile number: 412-655-9544. A written request sent via facsimile will not be considered submitted until a complete and legible copy of the facsimile is received by the Open Records Officer. Confirmation from the Open Records Officer will document the date of receipt.

By e-mail: Send to the attention of the Open Records Officer at openrecordsofficer@wjhsd.net. An e-mail will not be considered submitted until a complete accessible copy of that e-mail is received by the Open Records Officer. Confirmation from the Open Records Officer will document the date of receipt.

The district reserves the right to deny a requester access to a public record if the requester has made repeated requests for the same record, the record has already been provided to the requester, and the repeated requests have placed an unreasonable burden on the district.

V. SCHOOL DISTRICT'S RESPONSE TO WRITTEN REQUESTS

The Open Records Officer will respond to a written request within five (5) business days after its receipt. During that period, the Open Records Officer will make a good faith effort to locate the requested record, determine if it constitutes a public record, redact any information that is not subject to access, and prepare an appropriate response.

The district response may take any of the following forms:

1. A decision that the requested record is a public record and allowing the requester to inspect and obtain a copy of the public record, in whole or in part. If the requested record is on the district's official website, the response should also explain how to access such information. Alternatively, the requested record may be provided with the response.
2. A written denial explaining why the requested document is not a public record thus resulting in the denial of the request, in whole or in part.
3. A written notice explaining the request is under review and a final determination can be expected within thirty (30) calendar days from the date of the notice.

A written notice explaining a request is under review shall set forth the reasons for the review and advise of the date when a final response can be expected, which date shall be within 30 calendar days from the date of the notice. The district may advise that the request is under review if any of the following applies:

- a. the requested record required redaction;
 - b. the request requires the district to retrieve records that are stored in a remote location;
 - c. the district cannot timely respond due to a bona fide and specified staffing limitation(s);
 - d. a legal review is necessary to determine if the record is a public record;
 - e. the request does not comply with the district policies regarding access to records;
 - f. the requester has failed to pay applicable fees; or
 - g. the extent or nature of the request precludes a response within the required time period.
4. A denial of a request shall be in writing and shall set forth the following information:
 - a. a description of the record requested;
 - b. the specific reason for the denial, including a citation of supporting legal authority;
 - c. the name, title, address, telephone number and signature of the Open Records Officer on whose authority the denial is issued;
 - d. the date of the response; and
 - e. an explanation of the procedure to appeal the denial.

The Open Records Officer shall render a final determination regarding a written request within thirty (30) days from the date of written notice explaining a request is under review.

If the Open Records Officer does not provide the requester with a written response within the designated time period, the written request may be deemed denied, and the requester may file an appeal within fifteen (15) business days of the expiration of the designated time period, as provided by Section XI of this policy.

The Open Records Officer may consult with the district's solicitor to address the district's response to a Right-to-Know Act request.

VI. REDACTING RECORDS TO ALLOW FOR PUBLIC ACCESS

If a requester seeks access to a record determined to contain both public and confidential information, the district shall grant access to the public information contained in that record and redact the confidential information if it is possible. The district, in its sole discretion, may provide public information contained in a redacted record in a format of its choice, which will allow for timely disclosure of public information while simultaneously protecting against the release of confidential information which is not required to be disclosed under the Act. If the confidential information is an integral part of the record and cannot be separated, the district shall deny access to the record.

Information such as personal identification numbers, financial information, home cellular or personal telephone numbers, personal e-mail addresses, spouse and/or dependent information and Social Security numbers of individuals are exceptions to the Right-to-Know Law and generally not subject to public disclosure. Information that falls under the exceptions to the Right-to-Know Law will generally be redacted from a record otherwise considered a public record.

The Open Records Officer shall consult the district's Administrative Regulations under this policy when deciding what information may be redacted from a public record.

If the district redacts information from any record, the redaction will be treated as a partial denial of the record request, and the Open Records Officer will provide the requester with a written response regarding the partial denial, as provided in Section V of this policy.

VII. DENIAL OF PUBLIC ACCESS TO CERTAIN RECORDS

In certain instances, a record will be exempt from the public disclosure requirements of the Right-to-Know Act.

The Open Records Officer shall consult the district's Administrative Regulations under this policy when deciding whether or not a record constitutes a public record that must be available to the public.

If a record request is denied, the Open Records Officer will provide the requester with a written response regarding the denial, as provided in Section V of this policy.

VIII. ELECTRONIC ACCESS TO PUBLIC RECORDS

The district shall make public records available through publicly-accessible electronic means when they exist in that medium. When electronic access is sought for a public record, the district will apprise a requester when a requested record is available through publicly-accessible electronic means and advise where the public record may be reviewed and downloaded (i.e., via the website.) If the public record is only maintained

electronically and is not publicly available, the district will make a paper copy available for inspection upon request subject to payment of the applicable fee.

The district will permit electronic access to a public record if it is routinely available only by electronic means (i.e., via the website), or if the requester requests electronic access and the record exists in electronic form. A public record will not be considered "routinely available only by electronic means" if the district maintains a readily-available paper copy of that record for requester review.

If a requester makes a written request to access a public record in electronic form and the public record exists in that medium, the district will provide access to the record in one of the following manners as decided by the district:

1. Respond with an e-mail containing an attachment or electronic link to the record;

-or-

2. Provide a paper copy of an electronically-stored public record, if confidential information must be redacted from that record to permit access to the public information.

IX. INSPECTION OF PUBLIC RECORDS

After determining that the record requested is a public record, the district will allow inspection and duplication. The district will provide access in the medium requested if the record exists in that medium. The district need not create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the district does not currently compile, maintain, format or organize the records, but will provide access to public records in the formats in which they exist. The district shall not charge a fee if a requester only seeks to inspect a public record, except where conversion from electronic to paper form is required.

The inspection of a public record by a requester shall take place at the district's administrative offices during regular business hours, unless an alternative location is designated in advance by the district.

Except for copies made and delivered to a requester pursuant to this policy, no public record shall be removed from the control or supervision of the district. In order to preserve the integrity of its public records and school facilities, the district will take reasonable steps to ensure that a requester does not alter, deface or otherwise damage public records or school facilities. Such reasonable steps may include, but are not limited to: the prohibition of eating and drinking when inspecting public records, employee monitoring of a requester while inspecting public records, and the immediate termination of the inspection of public records, if the district reasonably believes the requester's conduct would result in damage to its public records or school facilities.

A requester is required to comply with all district rules and procedures applicable to the public when present at school facilities. The district may ask a requester to immediately leave its school facilities if the requester engages in conduct which materially disrupts the operations of school facilities, accesses or attempts access to unauthorized areas of the school facilities or records, or threatens, harasses or intimidates district staff or students.

X. **DUPLICATION AND FEES**

A public record will be duplicated for the requester, if duplication is requested.

Generally, a requester seeking to obtain a duplicate of a public record is required to appear in person to do so. In appropriate cases, the district may decide, in its sole discretion, to mail or otherwise deliver duplicate copies of public records to a requester.

The fees set forth in this policy shall not exceed the maximum charges established by any duly-promulgated regulations of the State Office of Open Records. The district reserves the right to revise these fees from time to time to ensure they comply with the maximum charges allowed by law.

The district will charge the following fees when a requester seeks to obtain a copy and for conversion of an electronic record to paper:

1. Printing copy of non-paper record: 25¢ per page.
2. Photocopying: 25¢ per page.
3. Certified copy: \$1 flat fee in addition to other applicable costs.
4. Mailing copy of record: If a request is made for mailing and the district chooses to mail the copy instead of personal pickup, the requester will pay the actual cost of shipping or postage.

The total sum owed shall be paid before the public record is given to the requester. If the duplication or transmission of a public record will cost one-hundred dollars (\$100) or more, that fee must be paid in advance of the request being processed.

The district, in its sole discretion, may decide to waive fees associated with the reproduction or delivery of public records if it deems it is in the public interest to do so.

XI. **FILING OF APPEALS**

If a requester wishes to challenge the written denial or deemed denial of a written request for a public record, the requester must file an appeal with the State Office of Open Records within fifteen (15) business days from the date of the written denial or deemed denial. The appeal shall be in writing and state the grounds upon which the requester asserts that the requested record is a public record and shall address any grounds stated by the district for delaying or denying the request.

XII. **POSTING OF POLICY**

A copy of this policy and its Administrative Regulations shall be conspicuously posted in the district's administrative offices in an area accessible to the public and on the district's official website.

REQUEST FOR INFORMATION

This form is being provided under the provisions of the Right-to-Know Law in response to your request for information. The completed request can be submitted in the following manner:

In Person or by Mail: Open Records Officer
West Jefferson Hills School District
835 Old Clairton Road
Jefferson Hills, PA 15025

Fax: 412-655-9544

e-Mail: openrecordsofficer@wjhsd.net

REQUESTER INFORMATION

Date of Request: _____

Name: _____

Address: _____

Phone No.: _____

Description of Request: (Please be specific – failure to do so may result in obtaining inaccurate information.)

Signature: _____

REQUEST FOR INFORMATION RESPONSE

OPEN RECORDS OFFICER

Date Received: _____ Name: _____

Approved/Denied: _____ Date: _____

Response to Request Attached: _____

Referred to: _____ Date: _____

Notes: