RESOLUTION NO. 2002 - 28

BOARD OF SUPERVISORS
MAIDENCREEK TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

"POLICY FOR ACCESS TO PUBLIC RECORDS"

WHEREAS, the General Assembly of Pennsylvania adopted amendments to the "Right To Know Law", as set forth in Act 100 of 2002, which was signed by the Governor on June 26, 2002; and,

WHEREAS , Act 100 of 2002 imposes new requirements for the granting or denial of access to public records by a municipality; and,

WHEREAS, Act 100 of 2002 requires each municipality to adopt a written policy with regard to access to public records.

NOW THEREFORE, the Board of Supervisors of Maidencreek Township, Berks County, Pennsylvania hereby declares the following to be the public records access policy for Maidencreek Township.

1. Interpretation

This policy is intended to comply with the provisions of Act 100 of 2002, and this policy shall therefore be construed and interpreted in accordance with Act 100 of 2002. If the terms of this policy are found to deviate or be inconsistent with the terms of Act 100, then the state statute shall control.

2. Requests to be in Writing

All requests for access to public records shall be in writing, upon the form specified by Maidencreek Township. The name and address of the requester must be reflected accurately upon the written request for access to

documents. Maidencreek Township will not honor verbal requests or anonymous requests for access to public records.

3. Submission of Requests

Written requests for access to public documents shall be submitted in person, by mail, or by facsimile. Maidencreek Township does not maintain records in electronic form and, therefore, cannot entertain requests for reproducing documents in electronic form.

4. Payment of Fees

Maidencreek Township may charge fees at the rate set forth below for the duplication of public records and may, if the estimated cost exceeds One Hundred Dollars ($100.00), require prepayment of the fees prior to producing the requested public records. The folllowing fees shall apply:

Photocopies	50¢ per page (each side)
Postage	Actual Cost
Facsimile copies, sent or received	$ 1.00 per page
"True and Correct" certification	$2.00 per certification

5. Procedures

The Township Secretary shall make a good faith effort to respond to requests for access to public records within five (5) business days after receiving a written request. The Township Secretary shall make a written response in accordance with the attached regulations. If a request for access to public records is denied (including a deemed denial), in whole or in part, then the requestor may file exceptions in writing with the Chairman of the Board of Supervisors within fifteen (15) days after mailing of the Township's denial, or

REGULATIONS

These regulations are promulgated by the Board of Supervisors, Maidencreek Township, Pennsylvania, in order to implement Maidencreek Township's policy for access to public records, pursuant to Act 100 of 2002.

1. A request for access to public records shall be in writing and shall be addressed to the Township Secretary and delivered:

(a) In person to the Township offices during regular business hours; or

(b) Mailed to the Township Secretary at the Maidencreek Township Municipal Building, 1 Quarry Road, Blandon, PA 19510; or

(c) Faxed to the Township office at (610) 926-6314.

2. All requests for access to public records, whether the request relates to inspection of documents or duplication/photocopying of documents, shall be on the form specified by Maidencreek Township.

3. The name and address of the requestor shall be clearly disclosed upon the written request form.

4. Maidencreek Township will not fulfill verbal requests or anonymous requests for access to public records.

5. Access to public records shall be given in one of two ways, according to the request:

(a) By personal inspection at the Township Building; and/or

(b) By photocopy.

6. The written request for access to public records must describe the

records being sought with sufficient specificity to enable the Township Secretary to determine exactly what public record is being requested.

7. Maidencreek Township does not maintain records in electronic format and therefore cannot fulfill requests for records in electronic format (i.e. on computer disk, by email, etc.).

8. In responding to a request for access to public records, the Township Secretary will not be required to create any public record, which does not already exist, or to compile, maintain, format or organize public records in a manner in which the Township does not currently compile, maintain, format or organize its documents.

9. If the Township Secretary determines that a requested public record contains information which is not subject to access as a public record, the Township Secretary may deny access to that portion of a public record which is not subject to access, by physically separating the same or mar redact the information that is not subject to access.

10. Upon receipt of a written request for access to public record, the Township Secretary shall make a good faith effort to determine if the records requested are public records and to respond as promptly as possible under the circumstances existing at the time of the request.

11. The Township Secretary shall, in any event, respond to a written request for access to public record within five (5) business days after it is received.

12. If the Township Secretary does not respond within five (5) business

days, the requester may treat the lack of response as a deemed denial.

13. If the Township determines that one of the exceptions set forth below applies, the Township Secretary shall send written notification to the requestor within five (5) business days after receipt of the request, notifying the requestor that the matter is being reviewed, the reason for the review, and a reasonable date that a response is expected to be provided.

14. If the date that a response is expected to be provided is in excess of thirty (30) days following the five (5) business days allowed after the receipt of a written request, the request for access may be deemed denied.

15. Exceptions to disclosure within five (5) days:

(a) The request for access requires redaction of the public record;

(b) The request for access requires a retrieval of a public record stored in some remote location;

(c) A timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations;

(d) Legal review is necessary to determine whether the requested record is a public record subject to access;

(e) The requestor has not complied with the Township's policy regarding access to public records;

(f) The requestor refuses to pay applicable fees.

16. If the Township's response is a denial of a written request for access, in whole or in part, a written response shall be issued and shall include:

(a) A description of the record requested;

(b) The specific reasons for the denial, including a citation of supporting legal authority;

(c) If the denial is a result of a determination that the record requested is not a public record, the specific reason for the Township's determination shall be included;

(d) The typed name, title, business address and business telephone number and signature of the Township Secretary, upon whose authority the denial is being issued;

(e) The date of the response;

(f) An outline of the procedures to appeal the denial.

17. If a written request for access is denied or deemed denied, the requestor may file exceptions with the Chairman of the Board of Supervisors of Maidencreek Township within fifteen (15) days after the deemed denial occurred.

18. The exceptions shall state grounds upon which the requestor asserts that the record is a public record and shall address any ground stated by theTownship for delaying or denying the request.

19. The Chairman of the Board of Supervisors shall make a final determination regarding the denial within thirty (30) days after the mailing date of the exceptions.

20. The Chairman of the Board of Supervisors shall issue the Township's final determination concerning the denial, which shall include a written explanation to the requestor of the reasons for the denial.

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final determination concerning the denial, which shall include a written explanation to the requestor of the reasons for the denial.

22. If the requestor is aggrieved by the Chairman of the Board of Supervisors' final determination, the requestor may pursue the judicial review procedures set forth in Act 100 of 2002.

23. If a person requesting access to public records so requires, theTownship Secretary will certify documents as true and correct copies of the matters contained in the Township files.

24. The Township may charge for each "true and correct" certification of documents.

25. The Township may, in its discretion, waive any fees for duplication of public records.

26. When inspection of public records is requested, the requestor shall inspect the records at the Township Building in a location, and in the manner, as specified by the Township Secretary, in order to protect the Township records from theft or modification.

within fifteen days after a deemed denial occurs. The Chairman shall issue a final determination within thirty (30) days after the mailing of the exceptions. Judicial review shall be in accordance with Act 100 of 2002.

6. Regulations

The Board of Supervisors of Maidencreek Township hereby promulgates the attached regulations in order to implement this policy for access to public records.

MAIDENCREEK TOWNSHIP
BOARD OF SUPERVISORS

Roy Timpe
Chairman, Roy Timpe

Robert Kopfer
Member, Robert Kopfer

Gloria E. Kemmerer
Member, Gloria Kemmerer

Attest:

Regina Sanders
Secretary