

The purpose of this policy is to provide guidelines that conform to the requirements of Act 3 of 2008 commonly known as the “Open Records Law” which fundamentally changes the “Right to Know Law”. Effective January 1, 2009, the Open Records Law mandates a presumption of disclosure and shifts the burden of denial to provide information to the government.

It is the policy of Red Lion Borough that request for and duplication of public records will adhere to the requirements and procedures of the Open Records Law.

Definitions

Act or Open Records Law – the act of June 21, 1957 (P.L.390,No.212), commonly referred to as the “Right-To-Know Law (RTKL)” as amended , 65 P.S. 66.1-66.9 by act 2002-50 and Act 3 of 2008 commonly known as the “Open Records Act”. The principal change in the Open Records Law is the fundamental change in presumption. The Act in section 305 States:

A record in the possession of a commonwealth agency or local agency shall be presumed to be a public record. The presumption does not apply if the record is exempt under Section 708 of the RTKL Act, if it is protected by privilege or if it is exempt from disclosure under other federal or state or regulation or by judicial order or decree.

Business Day – Any Monday, Tuesday, Wednesday, Thursday or Friday, except days when the offices of the Borough of Red Lion are closed for all or part of the day due to a holiday, severe weather, natural or other disaster or at the request or direction of local, state or federal law enforcement officials. Records requests received after the close of regular business hours will be considered as being received on the following business day.

Deemed Denial – Any request that the (1) Open Records Officer receives a written Open Records Request fails to respond within five (5) business day period (2) the Open Records Officer extends the five (5) business day period by up to thirty (30) calendar days, but then fails to respond by the end of that extended period; or (3) the Open records Officer notifies the Requestor that it requires additional time to respond in excess of the permitted thirty (30) calendar day period.

Mailing Date – The date affixed to a response to a request for access to records, which is to be the date the response is deposited in the U.S. Mail or, for a person submitting a request or exceptions, the date of the postmark on the envelope transmitting the request.

Open Records Requestor – Either (1) a written request submitted to the applicable Open Records Officer or Open Records Official asking for access to a document, a copy of a document or information purported to be in the possession of the Borough; or (2) a

written request (but not appeal) presented to the applicable Open records Officer or Official that invokes that Act.

Public Record – A record, including a financial record, of a Commonwealth or Local agency that:

Is not exempt under section 708 of the Open Records Act;

Is not exempt from being disclosed under any other Federal, State law or regulation

Or,

Judicial order or decree; or

Is not protected by a privilege.

Requestor – A citizen of the United States who requests a record pursuant to the Act.