PERRY COUNTY
RIGHT TO KNOW POLICY
Amendment #4

PURPOSE AND EFFECTIVE DATE

On February 14, 2008, Act 3 of 2008 was passed into law amending the Pennsylvania Right To Know Law, hereafter referred to as the Right To Know Law. The Act governs the rights of the public to inspect and obtain copies of public records. The effective date of the Act is January 1, 2009.

DEFINITIONS

The definitions in Section 102 of the Right To Know Law are incorporated herein by reference thereto.

INSPECTION

Public records are open to inspection and for duplication during normal office hours, 8:00 a.m. to 4:00 p.m. Monday through Friday, except for holidays, subject to the regulations set forth herein.

REQUEST FOR PUBLIC RECORDS

An individual may verbally request public records from a county office. The office may provide the public records requested or reject the verbal request. If the requester seeks to pursue the rights, relief, or remedies under Act 3, the Right to Know law request for records must be in writing and shall be submitted to the Right To Know Officer as follows:

- Kathy Burkholder, Right To Know Officer, P.O. Box 37, New Bloomfield, PA 17068. Telephone number: 717-582-2131 ext. 4100, fax: 717-582-5162 email: kburkholder@perryco.org
- Charles F. Chenot, III, Right To Know Officer, P.O. Box 305, New Bloomfield, PA 17068. For records related to criminal actions/prosecutions. Telephone number: 717-582-2131 ext. 2275, fax: 717-582-5163, email: cchenot@perryco.org
- Requests may be submitted by mail, email or by facsimile

THE WRITTEN REQUEST MUST:

- Provide the name, address, telephone number to where the Right To Know Officer should respond.
- The written request does not need to include an explanation of the requester's reason for the request or of the requester's intended use of the record(s).
- A written request should identify or describe the records sought with sufficient specificity to enable the Right To Know Officer to ascertain which records are being requested.
- The telephone number or email address of the requester must be provided.
- The appropriate fee must be paid as provided below.

REDACTION

Documents will be redacted in accordance with Section 706 of the Right To Know Law.

THE COUNTY'S RESPONSE AND TIME FOR RESPONSE

Upon receipt of a written request for access to a record, the Right To Know Officer will make a good faith effort to determine if the record requested is a document which the public has a right to access pursuant to the Right To Know Law and if Perry County has possession, custody or control of the identified record. The Right To Know Officer will make an effort to respond as promptly as possible under the circumstances existing at the time of the request. All applicable fees shall be paid in order to receive access to the record requested. The Right To Know Officer will respond within five (5) business days from the date the written request was received by the Right To Know Officer. If the Right To Know Officer fails to send the response within five (5) business days of receipt of the request for access, the written request shall be deemed to have been denied.

DETERMINATION

Upon receipt of a written request for access, the Right To Know Officer will determine if one of the following applies:

1. The request for access requires redaction of a record in accordance with Section 706 of the Right To Know Law;
2. The request for access requires the retrieval of a record stored in a remote location;
3. A timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations;
4. A legal review is necessary to determine whether the record is a record subject to access under the Right To Know Law;
5. The requester has not complied with Perry County's policy regarding access to records;
6. The requester refuses to pay applicable fees authorized by this act; or
7. The extent or nature of the request precludes a response within the required time period.

NOTICE

1. Upon determination that one of the factors listed in the **DETERMINATION** section applies, the Right To Know Officer will send written notice to the requester within five business days of receipt of the request for access.
2. The notice shall include a statement notifying the requester that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided and an estimate of applicable fees owed when the record becomes available. If the date that a response is expected to be provided is in excess of 30 days, following the five business days allowed for in the Right To Know Law, the request for access shall be deemed denied unless the requester has agreed in writing to an extension to the date specified in the notice.
3. If the requester agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice if the agency has not provided a response by that date.

DENIAL

If the Right To Know Officer's response is a denial of a written request for access, whether in whole or in part, the denial will be issued in writing and will include:

1. A description of the record requested.
2. The specific reason(s) for the denial, including a citation of supporting legal authority.
3. The typed or printed name, title, business address, business telephone number and signature of the Right To Know Officer on whose authority the denial is issued.
4. The date of the response.
5. The procedure to appeal the denial of access under the Right To Know Law.

CERTIFIED COPIES

1. If the Right To Know Officer's response grants a request for access, the Right To Know Officer will upon request, provide the requester with a certified copy of the record if the requester pays the applicable fees provided by law.

APPEAL OF DENIAL

If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the Pennsylvania Office of Open Records within fifteen (15) business days of the mailing date of the Right To Know Officer's response or within fifteen (15) days of a deemed denial. The appeal shall state the grounds upon which the requester asserts that the record is a record required to be made available under the Right To Know Law and shall address any grounds stated by the Right To Know Officer for delaying or denying the request. The appeal should be mailed to the Pennsylvania Office of Open Records at the following address:

Terry Mutchler, Executive Director
Pennsylvania Office of Open Records
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120

FEES

Except as otherwise provided by law, the fee for photocopying shall be 25 cents per page (one sided). Except as otherwise provided by law, the fees for certified copies shall be $1.00 per record. The cost of certification does not include notarization fees. The fees for postage and facsimile/microfiche or other media shall be the actual cost incurred.

Fees for complex and extensive data sets, including geographic information systems or integrated property assessment lists shall be as follows:

Tax Maps:

Size	Price
8.5x11 any map	$0.40
8.5x11 color ortho	$1.00

11x17 any map	$0.40	
11x17 color ortho	$2.00	
17x22 any map	$4.00	Ortho-$8.00
22x34 any map	$5.00	Ortho-$10.00
24x48 any map	$6.00	Ortho-$12.00
28x40 any map	$7.00	Ortho-$14.00
24x60 any map	$8.00	Ortho-$16.00
34x44 any map	$9.00	Ortho-$18.00
36x60 any map	$10.00	Ortho-$20.00
42x60 any map	$12.00	Ortho-$24.00

Specialized data request for map and file data for GIS data	$60.00
Integrated property assessment file on CD	$1,000.00

Fee Schedule for the Office of the Perry County Coroner:

Autopsy Reports:	$100.00
Coroner's Reports:	$ 50.00
Toxicology Reports:	$ 50.00
Histology Reports:	$ 50.00

For records costing $100.00 or less, the fees must be paid prior to the Right To Know Officer releasing the record. For records costing more than $100.00, the requester will be required to pay an estimated cost thereof prior to granting a request for access in accordance with the Right To Know Law.

FORMS AND OTHER INFORMATION

Forms for requesting records may be obtained by either contacting the Right To Know Officer or by downloading the same from Perry County's website at www.perryco.org. Additional information about the Right To Know Law may be obtained from Perry County's website www.perryco.org or the website of the Pennsylvania Office of Open Records at http://openrecords.state.pa.us.

Adopted this 13th day of February 2012.

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