

Ridley Township

Right-to-Know Law Policy

(Adopted June 22, 2022)

Effective Date: June 23, 2022

I. Authority

Ridley Township (“Agency”) adopts this policy pursuant to Section 504(a) of the Right-to-Know Law, 65 P.S. §§ 67.101-67.3104 (“RTKL”). The Agency has made this policy available to the public at its administrative office(s) and on its public website along with a RTKL Uniform Request Form https://www.ridleytp.org/files/ugd/6e8aba_5008d6d92b4a4726b0cadd893c8c3955.pdf.

II. Definitions

All of the definitions set forth in the RTKL are incorporated into this policy by reference. *See* 65 P.S. § 67.102.

AORO. The Agency Open Records Officer designated by the Agency pursuant to Section IV of this policy.

Business day. The regular business hours of the Agency are Monday through Friday, 8:30am to 4:30pm. Business days exclude Saturday and Sunday, Agency holidays and a weekday on which the Agency is closed for business for whatever reason.

III. Agency Website

The Agency maintains a public website at www.ridleytp.org. Records commonly requested from the Agency are available on the website. The following information is also posted on the Agency’s website: AORO contact information; contact information for the OOR; a form which may be used to file a RTKL request; and a copy of this policy.

IV. Submitting a RTKL Request to the Agency

A. *Open Records Officer.* The Agency has designated an AORO to respond to RTKL requests.

The contact information for the AORO is:

Blaise Caponi, AORO

By Mail: 100 E. MacDade Boulevard, Folsom, PA 19033

In Person: 100 E. MacDade Boulevard, Folsom, PA 19033

Phone: 610-534-4800

Fax: 610-200-6800

Email: bcaponi@ridleytp.org

The contact information for the AORO is posted on the Agency website also.

- B. *Request.* Requests must be submitted in writing using the RTKL Uniform Request Form available on the Agency website or at the Township office and must be addressed to the AORO. Email is preferred. If a requester chooses not to use the RTKL Uniform Request Form, the request will be considered an informal request, not subject to the RTKL. This means that the requester cannot pursue the relief and remedies provided for in the RTKL. To allow the Agency to locate requested records and determine whether those records are public, requests for records should be sufficiently specific and concise and clearly identify, as precisely as possible, the records sought. See 65 P.S. § 67.703. Requesters should clearly indicate the preferred method of access – paper copies, electronic copies or by inspection. A requester should retain a copy of the request, as a copy of the request is necessary should a requester appeal the Agency response.
- C. *Receipt of the request.* For the purpose of calculating the response deadline, the Agency is deemed to have received the request on the first business day that the AORO receives the request. Any request that is received by the Agency after the close of regular business hours shall be deemed to be received on the next regular business day as defined in Section II. above. If the request is received by an Agency employee other than the AORO, the request will be forwarded to AORO as soon as practical but will not be deemed received until delivered to the AORO.
- D. *Verbal requests.* The Agency will respond to verbal requests for records at its discretion. Requesters submitting verbal requests for records should be aware that they may not pursue the remedies available to a requester under the RTKL.

- E. *Response period generally.* The Agency has 5 business days to respond to a request for records under the RTKL. If an Agency does not respond, the request is considered “deemed denied,” and a requester’s appeal rights commence.

V. Agency Response

- A. *Extension of time for response.* The Agency is permitted to take an additional 30 calendar days to respond to any request for the reasons set forth in Section 902 of the RTKL. *See* 65 P.S. § 67.902. If the Agency invokes an extension, the Agency will inform the requester in writing, in accordance with the requirements set forth in Section 902(b)(2) of the RTKL.
- B. *Requester’s agreement to extend the response period.* The requester may agree, in writing, to extend the Agency response period. *See* 65 P.S. § 67.902(b)(2). The requester must agree to the extension during the initial 5 business-day response period or the extended 30 calendar day response period, if the Agency has invoked one.
- C. *Trade secrets and confidential proprietary information.* If a request involves records provided to the Agency by a third party and the third party previously provided the Agency with a written statement that the record contains a trade secret or confidential proprietary information under 65 P.S. § 67.707(b), the Agency shall provide notice as set forth in the RTKL to the third party.
- D. *Final response.* The Agency may grant a request, partially grant and partially deny a request, or deny a request in its entirety. The final response of the Agency will be in writing. Should the Agency fail to issue a response within the applicable response period, the request is deemed denied, see Sections A. and B. above.
1. *Granting access to records.* The Agency may grant a request for records by issuing a response: (1) granting access to inspect Agency records during the Agency’s regular business hours; (2) sending copies of the records to the requester; or (3) by notifying the requester that the records are available on the Agency website or other publicly accessible electronic means. *See* 65 P.S. §§ 67.701(a), 704.
 2. *Denying or partially denying access to records.* Should the Agency deny or partially deny a request for records through redaction or otherwise, the Agency will inform the requester of the denial or partial denial in writing. The response

will describe the requested records, inform the requester that the Agency does not possess the responsive records or, if the records are exempt from public access, provide a statement as to the relevant legal basis for withholding the requested records. Additionally, the response will provide the name, signature, title, business address and telephone number of the AORO who denied the request, as well as the date of the response and the procedure to appeal the denial.

- E. *Fees.* The Agency will charge fees consistent with the RTKL Fee Structure, available at <http://www.openrecords.pa.gov/RTKL/FeeStructure.cfm>. The Township also reserves the right to charge such other fees as permitted under 65 P.S. §1307 or applicable case law.

VI. RTKL Appeals

- A. *Generally.* To challenge the denial, partial denial, or deemed denial of a request for Agency records, an appeal may be filed using the OOR appeal form, available at <http://www.openrecords.pa.gov/Appeals/AppealForm.cfm>, or by contacting the OOR at the following address:

Office of Open Records
Commonwealth of Pennsylvania
333 Market St., 16th Floor
Harrisburg, PA 17101-2234
openrecords@pa.gov

- B. *Requirements of an appeal.* All appeals must be filed within 15 business days of the mailing date of the Agency's denial, partial denial, or deemed denial of the request. All appeals must be in writing; must state the grounds upon which the requester asserts that the requested records are public records; must address any grounds stated by the Agency for denying the request; and must include a copy of the request and the Agency's response, if any. *See* 65 P.S. § 67.1101(a)(1).

VII. Mediation

The RTKL requires the OOR to establish an informal mediation process to resolve disputes under the RTKL. 65 P.S. § 67.1310(a)(6). This is a voluntary process to help parties reach a mutually agreeable settlement on records disputes before the OOR. Mediation, a facilitated conversation between the parties that can serve as a fair and

efficient tool to resolve conflict, can save time and expense. Both the Agency and the Requester must agree to a mediation. When appropriate, the Agency is open to considering resolving RTKL disputes through the OOR's mediation process.

VIII. Record Retention

The Agency's record retention policy is available at the Ridley Township Municipal Building, 100 E. MacDade Boulevard, Folsom, PA 19033.

Notwithstanding any other existing record retention policy, once a RTKL request is received, the Agency shall maintain, preserve, retain, protect, and not destroy any and all records, both electronic and hard copy, that are potentially responsive to the request until such time as the request is fulfilled and all associated appeals are resolved.

IX. Additional Information about the RTKL

Additional information about the RTKL, the request process, and the appeal process is available on the OOR website at <https://www.openrecords.pa.gov> or by contacting the AORO.