

YORK COUNTY SCHOOL OF TECHNOLOGY

SECTION: COMMUNITY
TITLE: RIGHT-TO-KNOW
ADOPTED: January 29, 2009
REVISED:

900. RIGHT-TO-KNOW	
<p>PURPOSE</p> <p>65 P.S. § 67.101</p>	<p>The purpose of this policy is to establish procedures to ensure the School complies with the requirements of the Right-to-Know Law, 65 P.S. § 67.101 <i>et seq.</i>, which allows legal residents of the United States to inspect and obtain copies of public records.</p>
<p>DEFINITIONS</p> <p>65 P.S. § 67.102</p>	<p>For purposes of this policy, the terms set forth below shall have the following meanings:</p> <p><u>“Business Day”</u> shall mean a calendar day in which the administrative office of the School is open for business and does not include any school day where the administrative offices are closed due to inclement weather, holidays or emergencies.</p> <p><u>“Financial Record”</u> shall mean any account, voucher or contract dealing with the receipt or disbursement of funds or acquisition, use or disposal of services, supplies, materials, equipment or property; or the salary or other payments or expenses paid to an officer or employee of the School, including the individual’s name and title; and a financial audit report excluding the audit’s underlying work papers.</p> <p><u>“Public Record”</u> shall mean a record, including a financial record, of the School that: (i) is not exempt from disclosure under Pennsylvania’s Right-to-Know Act; (ii) is not exempt from being disclosed under any other federal or state law, regulation, judicial order or decree; and (iii) is not protected by a privilege.</p> <p><u>“Record”</u> shall mean information, regardless of physical form or characteristics, that document a transaction or activity of the school and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the School. 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.</p> <p><u>“Requester”</u> shall mean any person who is a legal resident of the United States or an agency that requests access to a record pursuant to the Right-to-Know Law.</p> <p><u>“Response”</u> shall mean granting access to a record or written notice from the School granting, denying or partially granting and partially denying access to a record.</p>

<p>OPEN RECORDS OFFICER</p> <p>65 P.S. § 67.502</p>	<p>The Joint Operating Committee shall designate an Open Records Officer. Until changed by a Joint Operating Committee resolution, the Open Records Officer shall be the Business Manager.</p> <p>The Open Records Officer shall be responsible for the following duties in order to implement the requirements of this policy:</p> <ol style="list-style-type: none"> 1. Receive, review and respond to all written requests for access to records submitted to the School. 2. If appropriate, direct request to other persons within the School or in another agency for a response. 3. Track the School'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 School response. 6. Ensure appropriate school staff are trained to perform assigned job functions relative to requests for access to records. <p>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 of and final disposition of the school response:</p> <ol style="list-style-type: none"> 1. Note the date on which the written request was received by the School. 2. Compute the day on which the five (5) business day period for the School 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.
<p>REQUEST FOR ACCESS TO PUBLIC RECORDS</p> <p>65 P.S. §§ 67.701 through 67.703</p>	<p>Any requester seeking access to or duplication of a public record must submit a written request addressed to the Open Records Officer. All School employees are directed to forward written requests for access to public records received by them to the Open Records Officer.</p> <p>A requester must complete the Right-to-Know Request Form created by either the School or the Pennsylvania Office of Open Records when submitting a written request. Copies of the School form may be obtained by request or on the School'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, the medium in which the record is requested, and the name and address to which the School should send its response.</p>

<p>REQUESTS FOR SCHOOL RECORDS IN POSSESSION OF ANOTHER PARTY</p> <p>65 P.S. § 67.506(d)</p> <p>SCHOOL RESPONSE TO WRITTEN REQUEST</p>	<p>The School 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 School response under this policy.</p> <p>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:</p> <p><u>In person</u>: At the School administrative offices, 2179 South Queen Street, York, PA 17402, on any business day during the regular business hours.</p> <p><u>By regular mail</u>: Sent to the attention of the Open Records Officer at the School administrative offices at 2179 South Queen Street, York, PA 17402.</p> <p><u>By facsimile</u>: Sent to the attention of the Open Records Officer at the following facsimile number at 717-741-9427. 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.</p> <p><u>By e-mail</u>: Sent to the attention of Open Records Officer at OpenRecordsOfficer@ycstech.org. An e-mail will not be considered submitted until a complete, accessible copy of that e-mail is received by the Open Records Officer.</p> <p>The Open Records Officer may not require a requester to explain the reason for the request or the intended use of record being requested.</p> <p>The School 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 School.</p> <p>The School shall cooperate with individuals with disabilities to make public records available in an appropriate format, upon request and with sufficient advance notice.</p> <p>A record that is not in the possession of the School, but is in the possession of a party with whom the School has contracted to perform a governmental function on behalf of the School, is a public record of the School when the record directly relates to the School governmental function and is not otherwise exempt from public disclosure.</p> <p>A written request for a public record in possession of a party other than the School shall be submitted to the Open Records Officer. The Open Records Officer shall process the request for public record in the possession of another party in the same manner as other requests.</p> <p>The Open Records Officer may assess a duplication fee to make the public record available to the requester, if the party possessing the record duplicated it in order to make it accessible for public inspection.</p> <p>The Open Records Officer will respond to a written request within five (5) business days after 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 confidential portions to allow for disclosure, and prepare an appropriate response.</p>
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65 P.S. §§ 67.707,
67.901, 67.902,
67.903.

The School 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 School'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 record is not a public record thus resulting in the denial of the request, in whole or in part.
3. A written decision explaining the requested record does not exist.
4. 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 denial of a request shall be in writing and shall set forth the following information:

1. a description of the record requested;
2. the specific reason for the denial, including a citation of supporting legal authority;
3. the name, title, address, telephone number and signature of the Open Records Officer on whose authority the denial is issued;
4. the date of the response; and
5. an explanation of the procedure to appeal the denial.

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 thirty (30) calendar days from the date of the notice. The School may advise that the request is under review if any of the following applies:

1. the requested record requires redaction;
2. the request requires the School to retrieve records that are stored in a remote location;
3. the School cannot timely respond due to bona fide and specified staffing limitations;
4. a legal review is necessary to determine if the record is a public record;
5. the request does not comply with the School policies regarding access to records;
6. the requester has failed to pay applicable fees; or
7. the extent or nature of the request precludes a response within the required time period.

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 periods, 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.

<p>REDACTING RECORDS TO ALLOW FOR PUBLIC ACCESS</p> <p>65 P.S. §§67.706, 67.708(b)(6)(i)-(ii), 67.903.</p>	<p>In addition, if the School produces a record that is not a public record in response to a written request, the Open Records Officer shall notify any third party that provided that record to the School, the person that is the subject of the record and the requester.</p> <p>The Open Records Officer shall also notify a third party of a record request if the requested record contains a trade secret or confidential proprietary information and follow the procedures set forth in the administrative regulations when responding to the written request.</p> <p>The Open Records Officer may consult with legal counsel to address the School response to a Right-to-Know Law request.</p> <p>If a requester seeks access to a record determined to contain both public and confidential information, the School shall grant access to the public information contained in that record and redact the confidential information if it is possible to redact the confidential information. The School, 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. If the confidential information is an integral part of the record and cannot be separated, the School shall deny access to the record.</p> <p>A person's Social Security number; driver's license number; personal financial information; home, cellular or personal telephone numbers; personal e-mail addresses; employee numbers or other confidential personal identification numbers; the name of a person's spouse; marital status, beneficiary or dependent information; the home address of a law enforcement officer or judge are generally not subject to public disclosure, and therefore will normally be redacted from a record otherwise considered a public record.</p> <p>Nothing in this section shall preclude the release of the name, position, salary, actual compensation or other payments made to a School employee or school board member, employment contract, employment-related contracts or the length of service of a school board member or School employee.</p> <p>The Open Records Officer shall consult the School's administrative regulations under this policy when deciding what information may be redacted from a public record.</p> <p>If the School 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 VI of this policy.</p>
<p>ELECTRONIC ACCESS TO PUBLIC RECORDS</p> <p>65 P.S. §§ 67.701, 67.704.</p>	<p>The School may make public records available by publicly accessible electronic means through its official website. When a request is made for a record made available in this manner, the Open Records Officer may respond by notifying a requester that the public record is available on the School website. If the requester is unwilling or unable to access the School website, the requester may within thirty (30) days of the School's response submit a written request to have the record converted to paper. If such a request is made, the School shall provide access to the public record in printed form within five (5) days of the written request.</p>

<p>INSPECTION OF PUBLIC RECORDS</p> <p>65 P.S. §§ 67.504(a), 67.506, 67.701, 67.704, 67.705</p>	<p>The School will permit electronic access to a public record if the requester requests electronic access and the record exists in electronic form. The School is not required to permit the use of its computers for purpose of electronic access.</p> <p>If a requester makes a written request to access a public record in electronic form, and the public record exists in that medium, the School will provide access to the record in one of the following manners as decided by the School:</p> <ol style="list-style-type: none"> 1. Provide a computer disk containing the record in electronic form; 2. Respond with an e-mail containing an attachment or electronic link to the record; or <p>Provide a redacted copy of an electronically-stored public record, if confidential information must be redacted from that record to permit access to the public information.</p> <p>After determining that the record requested is a public record, the School will allow inspection and duplication. The School will provide access in the medium requested if the record exists in that medium. The School need not create documents, but will provide access to public records in the formats in which they exist. The School 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.</p> <p>The inspection of a public record by a requester shall take place at the School administrative offices during regular business hours; unless an alternative location is designated in advance by the School.</p> <p>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 School. In order to preserve the integrity of its public records and school facilities, the School 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 School reasonably believes the requester's conduct would result in damage to its public records or school facilities.</p> <p>A requester is required to comply with all School rules and procedures applicable to the public when present at school facilities. The School 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 School staff or students.</p>
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<p>DUPLICATION AND FEES 65 P.S. § 67.1307</p>	<p>A public record will be duplicated for the requester, if duplication is requested.</p> <p>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 School may decide, in its sole discretion, to mail or otherwise deliver duplicate copies of public records to a requester.</p> <p>The School will charge fees consistent with the maximum charges established by any duly-promulgated regulations of the Pennsylvania Office of Open Records. The School will attach to this policy the schedule of fees, which may be revised from time to time.</p> <p>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.</p> <p>The School, 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.</p> <p>If the Open Record Officer makes copies of a public record in response to a written request, and the requester fails to pick up the copies within sixty (60) days of the School response advising the copies are available for delivery, the copies may be discarded and the School may retain the fees already paid by requester.</p>
<p>FILING OF APPEALS 65 P.S. § 67.1101</p>	<p>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 Pennsylvania 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 School for delaying or denying the request.</p>
<p>POSTING OF POLICY 65 P.S. § 67.504(b)</p>	<p>The School shall post the following information in its administrative offices in an area accessible to the public and on its official website:</p> <ol style="list-style-type: none"> 1. Contact information for the School's Open Records Officer. 2. Contact information for the Pennsylvania Office of Open Records. 3. A copy of the School's form which may be used to file a request. <p>A copy of this policy, the administrative regulations, the School's request form, and applicable fees.</p>

Appendix 1 - Schedule of Fees

The School will charge the following fees when a requester seeks to duplicate a public record, obtain a certified copy of a public record, and/or convert an electronic public record to paper:

1. Printing Copy of Non-Paper Record – \$0.25 per page
2. Photocopying – \$0.25 per Page
3. Certified Copy – \$1.00 Per Certified Record, Regardless of Number of Pages Plus Duplication Fees
4. Electronic Copy of Record – Electronic copies will normally be provided by means of computer disk. For transfer of an electronic file to a computer disk, the charge is \$1.00 for the disk plus \$20.00 per hour to the extent such expenses are necessarily incurred in processing such requests. The same charge will apply for e-mail of record when request is made for email receipt in electronic form. No charge will apply if, solely for its convenience, the School elects to e-mail a record instead of providing access through personal inspection of a paper copy.
5. Redaction – If redaction is required before the record can be accessed, the School will charge \$1.00 per page.
6. Mailing Copy of Record – If a request is made for mailing and the School chooses to mail the copy instead of personal pickup, the requester will pay the actual cost of shipping or postage plus duplication fees.
7. Facsimile Transmission – If a request is made for facsimile transmission and the School chooses to provide facsimile transmission instead of personal pickup, the requester will pay \$0.25 per page.

The School may waive fees in circumstances it deems appropriate.

See generally, 65 P.S. § 67.1307; 101 Pa. Code §31.17 (Legislative Reference RTK Bureau Fee Schedule); 104 Pa. Code §7.15 (Pa. Senate RTK Fee Schedule); 107 Pa. Code §201.15 (Pa. House of Representative RTK Fee Schedule)

Appendix 2 – Right-to-Know Law Contact Information

Contact Information for the School Open Records Officer

Name: John S. Fitz
Title: Business Manager
Mailing Address: York County School of Technology
2179 South Queen Street
York, PA 17402
Facsimile Number: (717) 741-9427
E-mail Address: openrecordsofficer@ycstech.org

Contact Information for Pennsylvania Office of Open Records

Address: Commonwealth of Pennsylvania
Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17120-0225
717-346-9903
Email: openrecords@state.pa.us
Executive Director: Terry Mutchler
Deputy Director: Barry Fox
Chief Counsel: Leo L. Dunn