

# Perry County Right To Know Policy

## Purpose and Effective Date

On June 29, 2002, Act 100 of 2002 was passed into law amending the Pennsylvania Right To Know Law (Purdons, 65 P.S. & 65 *et seq.*) The Act governs the rights of the public to inspect and obtain copies of public records. The effective date of the Act is December 31, 2002.

## Public Records

**“Public Records”** are defined in the Act as any account, voucher, or contract dealing with the receipt or disbursement of funds by the **County of Perry** (hereinafter referred to as **“County”**) or its acquisition, use, or disposal of services or of supplies, materials, equipment, or other property and any minute, order, or decision by the **County** fixing the personal or property rights, privileges, immunities, duties, or obligations of any person or group or persons.

**“Public Records”** do not include any report, communication, or other paper, the publication of which would disclose the institution, progress, or result of an investigation undertaken by the **County** in the performance of its official duties, except those reports filed by agencies pertaining to safety and health in industrial plants. The term does not include any record, document, material, exhibit, pleading report, memorandum, or other paper, access to or the publication of which is prohibited, restricted, or forbidden by statute, law, or order or decrees of court, or which would operate to the prejudice or impairment of a person’s reputation or personal security or which would result in a loss by the Commonwealth or any of its political subdivisions or commissions or state or municipal authorities of federal funds, excepting therefrom, however, the record of any conviction for any criminal act.

## Inspection

**Public Records** are open to inspection and for duplication during normal hours, 8:00 a.m. to 4 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 the Department which has custody of those records. The Department may provide the **public records** requested or reject the verbal request. If the requestor seeks to pursue the rights, relief, or remedies under Act 100, the request for records must be in writing and shall be addressed as follows:

- **Coroner records**  
Perry County Coroner, 206 Maple Avenue, Marysville, PA 17053
- **Court Records**

Prothonotary's Office, Courthouse, New Bloomfield, PA 17068  
Court Administrator, Court House, New Bloomfield, PA 17068

- ***District Attorney's Records***  
Perry County District Attorney, Courthouse, New Bloomfield, PA 17068
- ***District Justices' Records***  
District Justice, Route 274, Loysville, PA 17047  
District Justice, 133 S. 5<sup>th</sup> Street, Newport, PA 17074  
District Justice, 17 Cherry Street, Duncannon, PA 17020
- ***Domestic Relations' Records***  
Perry County DRO, 25 West Main Street, New Bloomfield, PA 17068
- ***Fiscal Records***  
Chief Fiscal Officer, 25 W. Main Street, New Bloomfield, PA 17068
- ***Probation and Parole Office Records***  
Chief Probation Officer, Courthouse, New Bloomfield, PA 17068
- ***Recorder of Deeds, Register of Wills, Clerk of Orphan's Court***  
Register and Recorder, Courthouse, New Bloomfield, PA 17068
- ***Sheriff's Office Records***  
Perry County Sheriff, Courthouse, New Bloomfield, PA 17068
- ***Treasurer's Office Records***  
Perry County Treasurer, 25 W. Main Street, New Bloomfield, PA 17068
- ***Records of other county government offices***  
Chief Clerk, 25 W. Main Street, New Bloomfield, PA 17068

### **The Written Request Must:**

- Provide the name of the person requesting the records.
- Provide a mailing address to which a written reply and/or the requested information can be sent
- Provide a phone number where the requestor can be contacted
- Identify or describe the specific records being sought. The request must be sufficiently specific to enable the **County** to ascertain which records are being requested, and include the date of the information requested as well as type of information, and the county department which has custody of the record.
- The written request does not need to include an explanation of the requestor's reason for the request or of the requestor's intended use of the record(s).
- Agree to reimburse the cost of reproducing the records requested prior to granting a request for access to records. If the cost of reproducing the records exceeds \$100.00, a deposit equal to the estimated cost of reproducing the records must be paid. The amount due shall be payable at the time the records are delivered.

### **Redaction**

The **County** will grant access to **public records** according to this Policy and will separate and exclude any records which are not **public records** or which are otherwise excluded or exempted from the definition of **public records**. If information, which is not subject to access, is an integral part of a public record and cannot be separated, the **County** shall

redact from the public record the information which is not subject to access and the response shall grant access only to the information which is subject to access.

### **The County's Response and Time For Response**

Once a written request for *public records* has been received by the designated contact person for the office with custody of the records, if the records have not already been provided pursuant to a verbal request, the office with custody of the records shall respond to the request within five (5) days in one of the following manners:

- The requested records will be provided.
- The request will be denied. If a request is denied in whole or in part, the denial will contain a description of the records requested, the reason for the denial, including citation of supporting legal authority, the name, title, business address, business telephone number, and signature of the person on whose authority the denial is issued, a date of the response, and the procedure to appeal the denial of access under Act 100, or
- If the **County** determines that:
  - (i) The requested records require redaction (blacking out of sections of the records that are not public)
  - (ii) The requested records require retrieval from remote location.
  - (iii) The requested records require legal review.
  - (iv) The requestor has not complied with the County's Policy.
  - (v) A timely response cannot be made due to staffing limitations.
  - (vi) The requestor refuses to pay the applicable fees set forth by the Policy.

The **County** will send written notice that the request is being reviewed, the reason for the review, and a reasonable date by which a response is expected to be provided.

### **Appeal of Denial**

Appeals must be made in writing within fifteen (15) days of the date of mailing or the date of deemed denial of the request.

Written requests for records denied by the Chief Clerk, or other persons designated by the County Commissioners, may be appealed to the County Commissioners. Written requests for records denied by the appropriate party above-listed on page 2 shall be appealed to that respective office. The requestor must state ground upon which the requestor asserts that the record is a *public record*. The requestor must also reply to the reasons given for the denial.

Unless the requestor agrees otherwise, the final decision on an appeal must be made within thirty (30) days of the mailing date of the exception. Prior to issuing the final

determination regarding the exceptions, a hearing may be held, but the hearing must be held within thirty (30) days of the mailing date of the exception.

### **Judicial Appeal**

Appeals from final decisions may be filed with the Court of Common Pleas of Perry County or a district magistrate. The Court or magistrate must give a reasoned decision that includes: findings of fact, conclusions of law, a clear and concise explanation of the rationale why the court has reached its decision to approve or disapprove the application for the requested documents.

### **Fees**

A request for copies of *public records* or information produced therefrom must be accompanied by payment of fees to cover the direct cost of duplication as set forth below:

- Fees for the actual cost of mailing
- Except if the fee is otherwise provided by statute, the customary fees per page charged by the agency with custody of the records for duplication by photocopying or printing or other means of duplication.
- Customary fees for official certification if requested by requestor.
- Reasonable fees to cover other types of reproduction costs, including conversion, electronic access, etc.; and
- Allowable additional actual costs incurred by the County, which are necessary for complying with the request.

**Note** The County will disclose identifiable and existing *public records* but is not required to synthesize, compile, maintain, format, or organize records in response to a request.

Adopted this 20<sup>th</sup> day of January 2003.