

MIFFLIN COUNTY
RIGHT TO KNOW POLICY

Open Records Officer of MIFFLIN COUNTY:

Chief Clerk
Cathy Romig
20 North Wayne Street
Lewistown, PA 17044
717-248-6733
Fax 717-248-3695
E-mail: cromig@co.mifflin.pa.us
Web: www.co.mifflin.pa.us

**Office of Open Records within the Pennsylvania Department of Community and
Economic Development**

Address: Commonwealth Of Pennsylvania
Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17120-0225
717-346-9903

E-Mail: openrecords@state.pa.us

Executive Director: Terry Mutchler

Deputy Director: Barry Fox

Open Records

Officer Registration: Please e-mail OROregistration@state.pa.us with the Open Records Officer's name, business address, phone number, fax number and e-mail address. Also include the name of the local agency represented and the department if applicable.

MIFFLIN COUNTY

RIGHT TO KNOW POLICY

APPROVED DATE: December 31, 2008

EFFECTIVE DATE: January 1, 2009

I. PURPOSE

On February 14, 2008, Act 3 of 2008 was passed into law amending the Pennsylvania Right To Know Law (65 P.S. §67.101 et seq.). The Act governs the rights of the public to inspect and obtain copies of public records. Mifflin County (the “County”) recognizes the value of the public’s right to information and is committed to continually improving public access to information and fostering public participation in the decision-making process. The effective date of the Act is January 1, 2009.

II. DEFINITIONS

A *Public Record* is defined pursuant to 65 P.S. §67.101 as “a record, including a financial record, of a Commonwealth or local agency that:

- *Is not exempt under section 708;*
- *Is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or*
- *Is not protected by a privilege.”*

III. REQUEST FOR PUBLIC RECORDS

All Right-to-Know Law requests must be in writing and must be received by the Open Records Officer of the County. The contact information for the County’s Open Records Officer is attached as Appendix A.

Written requests must include:

- Name of person requesting the records.
- Mailing address to which a written reply and/or the requested information can be sent.
- 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 the requestor’s intended use of the record(s).
- An agreement to reimburse the cost of reproducing the records requested.

See Appendix B for a sample request form.

The County will not grant anonymous requests.

IV. REQUEST FOR INSPECTION OF PUBLIC RECORDS

To inspect requested records, an appointment with the Open Records Officer should be made by the requester. Public records are open to inspection and for duplication during normal office hours, 8:00 am to 4:30 pm Monday through Friday, except for holidays, subject to the regulations set forth herein. When the requester arrives to review the records, the person will be asked to present photo identification or some other form of positive identification.

No records may be removed from the County offices.

V. OPERATING PROCEDURES

Within five business days of receipt of a written request:

- The Open Records Officer will record the request in a logbook, compute the date for response (five business days from the receipt of the request), make a copy of the request and create a file for the request and subsequent correspondence.
- The Open Records Officer will do a thorough search for the requested records, contact any appropriate individuals or agencies having involvement with or knowledge of the requested records, and identify any exempt records or other records not subject to disclosure under the Right-to-Know Law.
- The Open Records Officer shall review, sign, mail and log the response to the requester. A response must be sent within five business days of receiving any written request. The response may be one of the following:
 - a. The requested records will be provided. The response will also include appropriate information about how and when the requester can visit the County Courthouse to view and duplicate the requested records.
 - b. The request may be denied. If a request is denied in whole or in part, the denial will contain a description of the records requested, the reasons 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 the Right To Know Law.
 - c. The response may be a statement that the County needs additional time (not to exceed thirty days) to respond if one or more of the following reasons apply:
 - i. The requested records require redaction (blacking out of sections of the records that are not public).
 - ii. The requested record requires 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 this Policy.
 - d. The response shall include any applicable fees; in the case of an extension, estimated applicable fees shall be included.

After the Open Records Officer responds that some or all of the records requested are available:

- a. The Open Records Officer will provide access to the records as arranged with the requester.
- b. If the records are electronic, the Open Records Officer may convert the electronic records to paper form if requested by the requester.
- c. If the County will make copies, and if copying costs are expected to exceed \$100, the Open Records Officer will collect a deposit equal to the lesser of \$100 or 25% of the estimated cost of reproducing the records before copying and log payment upon receipt. Upon delivery of copies, the Open Records Officer will collect any unpaid fees and log payment upon receipt.

VI. APPEAL OF DENIAL

If a requester wishes to dispute a denial by the County, the requester must file a written appeal with the Office of Open Records which shall include the reasons why the requester believes the records requested are subject to disclosure and the County's reasons for denial of the request. The appeal shall be sent to:

Commonwealth Of Pennsylvania
Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17120-0225

The appeal must be mailed to the Office of Open Records within fifteen business days of the mailing date indicated on the County's response.

An Appeals Officer appointed by the Office of Open Records shall review the appeal and set a schedule for the requester and the County to submit records in support of their position. The Appeals Officer may elect to hold a hearing. The Appeals Officer will make a final decision within thirty days of the date the appeal is received. If a party disagrees with the determination of the Appeals Officer, that party may file a petition for review with the Mifflin County Court of Common Pleas.

VII. SCHEDULE OF FEES

A schedule of fees is attached as Appendix C

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.

APPENDIX A

Open Records Officer

NAME: Cathy Romig, Chief Clerk

ADDRESS: 20 North Wayne Street
Lewistown, PA 17044

PHONE: 717-248-6733

FAX: 717-248-3695

E-MAIL: cromig@co.mifflin.pa.us

APPENDIX B

RIGHT TO KNOW REQUEST FORM

DATE REQUESTED: _____

REQUEST SUBMITTED BY: E-MAIL US MAIL FAX IN-PERSON

NAME OF REQUESTER: _____

STREET ADDRESS: _____

CITY, STATE ZIP: _____

TELEPHONE (Optional): _____

RECORDS REQUESTED:

Provide as much specific detail as possible so the County can identify the information.

DO YOU WANT COPIES? YES NO

DO YOU WANT TO INSPECT THE RECORDS? YES NO

DO YOU WANT CERTIFIED COPIES OF RECORDS? YES NO

RIGHT TO KNOW OFFICER: _____

DATE RECEIVED BY THE COUNTY: _____

AGENCY FIVE DAY RESPONSE DUE: _____

APPENDIX C

SCHEDULE OF FEES

Record Type	Fee
Copies – a photocopy is either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5” x 11” page	\$0.25 per page
Certification of a Record	\$1.00 per record, not per page. Please note that certification fees do not include notarization fees.
Specialized documents such as, but not limited to, blue prints, color copies, non-standard sized documents	Actual Cost
Facsimile/Microfiche/Other Media	Actual Cost
Redaction Fee	No redaction fee may be imposed
Conversion to Paper	If a record is only maintained electronically or in other non-paper media, duplication fees shall be limited to the lesser of the fee for duplication on paper or the fee for duplication in the original media unless the requester specifically requests for the record to be duplicated in the more expensive medium (Sec 1307(e)).
Postage Fees	Fees for postage may not exceed the actual cost of mailing.