Right to Know Policy and Procedure
11/04/15

Public Access to Information
For
Clarion Conservation District

I. General

This policy applies to all requests for "public records". This document establishes the framework within which the district will exercise its administrative discretion. The district recognizes the value of making information available to the public, and is committed to continually improving public access to public information and fostering public participation in the decision-making process.

The Office of Open Records may promulgate regulations setting forth different or additional requirements and procedures, and these should be consulted.

A. Open Records Officer

The District has designated the following persons who shall serve as it Open Records Officers. All requests for public records are administered by the Open Records Officer. Requests should be directed to the Open Records Officer at the following address:

Open Records Officer
Name: Tricia Mazik
Title: District Manager
Address: 249 S 2nd Ave
Clarion PA 16214
Phone: 814-297-8032
Email: manager@clarionconservation.com

Open Records Alternate
Name: Jordan Hufnagel
Title: E&S Technician
Address: 249 S 2nd Ave
Clarion PA 16214
Phone: 814-221-1941
Email: permits@clarionconservation.com

B. Requests for Public Records

1. All Right to Know requests must be received by the District's Open Records Officer. A requester may make, and the Conservation District may fulfill written (including email or fax) requests for access to records under this policy.
2. If the requester wishes to pursue the relief and remedies provided for under the Pennsylvania Right to Know Las (i.e. pursue and appeal of a denial), the request must be in writing.
3. Requests must describe the records sought with sufficient specificity to enable the District to ascertain which records are being requested.
4. The request MUST include the name and address of person(s) requesting and the address response is to be sent.

5. See attached request form.

If the district receives a request for a public record is not in the possession of the district, the Open Records Officer will: 1) notify the requester that they do not possess the record requested; 2) direct the request to appropriate persons in another agency.

C. Classification of Records

Public Records

"Public records" are defined as

1. Information that documents a transaction or activity of the district, and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the District.
2. EXCEPT where a records meets any of the following:
   a. It falls into one of the exemptions under the RTK law,
   b. Access is restricted under any state or federal law or regulation or
   c. It is protected by a legal privilege, such as attorney-client privilege.

Records Exempt from being Public Records

Under the law some types of records are not available to the public. In this category are personal notes, computer security information, draft minutes, notes from an executive session, confidential proprietary information or trade secrets, medical information, personal identifiers, employee records, labor relations, criminal and non-criminal investigative records, non-real estate tax records, driver records, attorney-client communications, or records that if disclosed could jeopardize state or federal funds. This is a partial list of the exempted records. For a complete list the requester may request a copy of Section 708 of the Right to Know Law from the district. The district will assume that the requester is not asking for these types of records unless specifically requested. In most cases, these exempted records will not be provided.

D. Procedures for Reviewing Requests for Public Records

Operating Procedures

The District's Open Records Officer will ensure that the Operating Procedures described in Section II of this Policy are followed.

Reviewing Records

Following the submittal of a request the district will make every effort to fulfill the request within five business days of receipt by the District's Open Records Officer.

This may include notifying the requestor that the records will be made available for review and copying at the District.

If the request cannot be fulfilled in five business days, the District's Open Records Officer will send written notice, including email, to the requester stating the reason(s) why additional time is needed, when the office expects to be able to fulfill the request, and any fees that may be required. See Operating Procedures, Section II.

If the District's Open Records Officer believes that a record contains confidential proprietary information or trade secrets, the Office will notify the third party that provided the information of the request, within five days of the request. The third party will then have five days from receipt of the notice to provide input on the release of the record. The Officer will decide whether the information qualifies as confidential proprietary information or trade secrets within ten days after that third party has received the notice.

E. <u>Denial of Request for Public Records</u>

If an agency's response is a denial of a written request for access, whether in whole or in part, the denial shall be issued in writing and shall include:

1. A description of the record requested.
2. The specific reasons for the denial, including a citation of supporting legal authority.
3. The printed name, title, business address, business phone number, and signature of the open records office on whose authority the denial is issued.
4. Date of the response.
5. The procedure to appeal the denial.

F. Access to Records

The District may respond by notifying the requestor that a record is available through publically accessible electronic means such as the District's website, or another agency's website. The District may also provide the records electronically through email or other means such as a CD.

The District may also choose to make the records available for review and copy at the District. However, the district's copying facilities are limited. No records may be removed from the district offices except by the district staff. If the district is unable to send the request documents to the requester, in house arrangements will be made to have the duplicated. Copying and other fees are listed on attached fee schedule.

II. OPERATING PROCEDURES

A. Within 5 business days of receipt of written request by the District Open Records Officer:

1. Immediately upon receipt of a request the District Open Records Officer will date stamp the request, record the request in a logbook, compute the day that the five day response expires and make a notation of that date on the request.
2. The district will do a thorough search for the records requested and determine whether they are public records as provided in the Right to Know Law.
3. For records involving programs delegated to or contracted with the district by DEP, the State Conservation Commission or other agency, the district will confer with the State Conversation Commission, DEP, or other agency as needed. The district will also confer with district legal counsel as needed (DEP or Department of Agriculture legal counsel or the county solicitor where appropriate).
4. The District Open Records Officer reviews, signs, mails and logs response. **A response will be sent within 5 business days of receiving any written request.**
    - The response can be information about how and when the requestor can visit the district to view the records.
    - The response can include information that the requested materials are available upon payment of applicable fees.
    - The response can be a denial of the request in whole or in part; any denials will specify:
        - A description of the record requested.
        - The specific reasons for the denial, including a citation of supporting legal authority.
        - The printed name, title, business address, business phone number, and signature of the open records officer on whose authority the denial is issued.
        - Date of the response
        - The procedure to appeal the denial.

    - The response may be a statement that the Open Records Officer will be taking additional time (not exceeding 30 calendar days) to respond, if one or more of the following reasons applies:

- Removal of a confidential proprietary (or otherwise restricted) information
- Records are at a remote location
- Specified staffing limitations prevent a timely response
- Legal review is required
- Requester is not complying with the district's policies, including failure to pay fees
- The extent or nature of the request precludes a response within the required time period (3rd party notification)

B. After (if) the District Open Records Officer responds that some or all of records requested are available:

1. The Open Records Officer provided access to the records as arranged with the requestor.
2. If records are electronic, Open Records Officer arranges for computer viewing, duplication or the District may respond by notifying the requestor that a record is available through publically accessible electronic means such as the District's website, or another agency's website.
3. If the district will make copies, and if copying costs exceed $100, the Open Records Officer shall collect costs and log payments before copying and upon delivery of copies, Open Records Officer collects any unpaid fees and logs payment.
4. If the requestor fails to retrieve the requested records within 60 days of the districts response the district may dispose of any copies which have not been retrieved and retain any fees paid to date.

III. APPEALS

A. Appealing the District's Response.

The Right to Know Law provides an appeal process through the Office of Open Records. Here is a summary of that process.

1. File an appeal. If a requestor wishes to dispute the district's denial, the requester must send his or her reason to the Office of Open Records.

   Attn: Terry Mutchler, Executive Director
   Office of Open Records
   Commonwealth Keystone Building

400 North Street – Plaza Level
Harrisburg PA 17120-0225
Facsimile: 717-425-4543
Email: openrecords@state.pa.us

The reasons for the dispute must be mailed within 15 business days of the mailing date indicated on the district's response, or if no response is provided then with 15 days of the date the request is deemed to be denied.

The requestor's dispute letter must state the grounds upon which the requestor asserts that the record and shall address any grounds stated by the district for delaying or denying the request.

2. Appeal Process. Unless the requestor agrees otherwise to the timing, the appeals officer will make a final determination within 30 days of the date the dispute letter is mailed. Prior to issuing its determination, the appeals officer may, at its discretion, conduct a hearing. The appeals officer will provide a written explanation of the reason for the decision to the requestor and the District. If the appeals officer fails to issue a final determination within 30 days, the appeal is deemed denied.

Right to Know Law Record Request
Schedule of Fees

Record Type	**Fee to be Charged**
***Copies:** *(A "photocopy" is either a Single-sided copy or one side of a Double-sided black-and-white copy Of a standard 8 ½ " x 11" page)*	*$0.25 per page

***Certification of a Record:**	*$1 per record, not per page. Please note that fees do not include notarization fees.
***Specialized documents:** For example, but no 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 medial, duplication fees shall be limited to the lesser of the fee for duplication on paper or the fee for duplication in the original medial 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 the mailing.

Fee Limitations: Except as otherwise provided by statute, the law states that **no other fees may be imposed** unless the agency necessarily incurs costs for complying with the request, and such fees must be reasonable.

Prepayment: Prior to granting a request for access in accordance with this Act, an agency may require a requester to prepay an estimate of the fees authorized under this section if the fees required to fulfill the request are expected to exceed $100.