

NORTHWESTERN LANCASTER COUNTY AUTHORITY
PUBLIC RECORDS INSPECTION AND DUPLICATION POLICY

In accordance with the Pennsylvania Right-to-Know Law, Act of February 14, 2008, P.L. No. 3, 65 P.S. § 67.101, *et seq.* (“RTKL”) hereinafter referred to as the RTKL, the following is the policy for requests for inspection and duplication of public records of the Northwestern Lancaster County Authority.

I. SUBMISSION OF REQUEST.

All requests to inspect or duplicate public records of the Authority shall be presented to:

Open Records Officer
Northwestern Lancaster County Authority
97 North Penryn Road
Manheim, PA 17545

Requests may be made in person at the Authority office at 97 North Penryn Road, Manheim, Pennsylvania, during normal business hours (Mondays through Thursdays from 7:00 a.m. until 5:30 p.m.); by mail to 97 North Penryn Road, Manheim, PA 17545; or by fax to (717) 665-4105; or by e-mail to manager@penntwplanco.org.

Requests may be made in writing. The Authority has prepared a form to assist in processing requests.

All requests for inspection and/or duplication of public records must provide sufficient and specific information to allow the Authority staff to identify the requested records. The following information is the minimum necessary to enable the Authority staff to identify the public records sought:

1. Type of record, e.g. resolution, meeting minute, permit, contract, etc.
2. Approximate date of record, e.g. minutes of the Board meeting of January, 2001. The approximate date of the record must be within three to six months of the actual date of the record. The Authority cannot respond to requests which state that the record was created within a multi-year period.
3. If applicable, subject matter of record, e.g. sewage system resolution, contract, permit for a specific property, etc.
4. If the requestor desires a written response or mailing of information, name and address to which the Authority should address a response to the request.
5. Whether the requester desires to inspect or whether the requester desires a copy of

the document. If the requester desires a copy of the document, specify the preferred media or format.

The Authority is not required to and will not compile lists, prepare summaries, or create documents that do not exist. The Authority will provide access to and duplication of existing Authority records which are public records under the Right-to-Know Law.

The Authority recognizes its obligation to make public records available to any legal resident of the United States. The Authority acknowledges that it may not deny a request for access to a public record on the basis of the intended use of the public record, and the Authority will not require any person to disclose his or her purpose or motive in requesting access to a public record.

II. CONSIDERATION OF REQUEST FOR INSPECTION OF PUBLIC RECORDS.

The Authority shall make a good faith effort to respond to any request for inspection and/or duplication of public records as promptly as possible. Unless circumstances prevent, the Authority will respond to a written request for a public record within five (5) business days from the date it is received. Any request for a public record submitted within one hour of the close of business shall be considered received on the following business day.

If the requester has provided his/her name and address, the Authority shall send written notice to the requester within five (5) business days from the receipt of the request if the Authority determines that any of the following are applicable to the request:

1. The request requires a redaction of the record. Records will be redacted if they contain information which is not subject to public access as well as information which constitutes a public record.
2. The request requires retrieval of records stored outside of the Authority municipal building.
3. The Authority cannot respond due to a specific staffing issue. For example, the Authority staff is limited, and if the Authority Secretary is on vacation, it may not be possible to respond within five (5) business days.
4. The Authority believes that it is necessary to consult with the Authority Solicitor to determine whether the requested record is a public record under the Right-to-Know Law.
5. The requester has not complied with Authority policies concerning access to public records.
6. The requester has refused to pay any applicable fee.
7. The extent or nature of the request precludes a response within the required time

period.

If the Authority cannot respond within five (5) business days to a request, the Authority will provide the reason why response is delayed, estimated date by which it anticipates it may make its response, and an estimate of any fees.

Anonymous requests will be denied. This includes anonymous requests made through FOIA (federal Freedom of Information Act) software, per the Office of Open Records, OOR Dkt. No.: AP 2024-0349.

III. FEES.

Any person who requests the duplication of public records shall pay for the duplication in accordance with the Authority's adopted fee schedule or with the fees established by the Office of Open Records. If the Authority estimates that the cost to fulfill the request will exceed \$100.00, the Authority will require prepayment of the fee prior to granting a request for access.

IV. RESPONSE TO REQUEST FOR A PUBLIC RECORD.

The Right-to-Know Law does not require the Authority to compile lists, prepare summaries, or create documents that do not exist. The Authority will provide access to and duplication of only existing Authority records which are public records under the Right-to-Know Law.

If the Authority determines that the record requested is a public record, the Authority will allow its inspection or will notify the requester that the record is available electronically through publicly accessible means, providing the internet address at which such record is available, or will provide a copy of the record in the format requested if the Authority has the capability to produce such a format. If the Authority does not have the capability to duplicate the public record in the format requested, the Authority will provide a paper copy of the record. If the requester is unwilling or unable to access the record electronically, the requester may, within 30 days, submit a written request for a paper copy of such record.

If the Authority informs the requester that copies of the requested records are available at the Authority office and the requester fails to retrieve the records within sixty (60) days of the Authority's response, the Authority may dispose of the copies and retain all fees.

If the Authority denies a written request to inspect and/or duplicate records in whole or in part, the Authority shall provide a written denial. This written denial will identify the record and the specific reason for the denial of the request, including a citation to supporting authority. The written response shall also include the name, title, business address, business telephone number and signature of the Open-Records Officer who has denied the request, the date of the denial, and the procedure to appeal the denial.

V. APPEAL FROM DENIAL OF REQUEST FOR INSPECTION OR COPYING OF RECORDS.

The Law provides that a requester who disagrees with a denial of his or her written request for inspection and/or duplication of records may file an appeal to

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

Pursuant to Section 1101(a) of the Law, the appeal must be in writing; must be filed within fifteen (15) business days of the date of the Authority's response or date of a deemed denial; must state the grounds on which the requester asserts that the record is a public record; and must address any grounds stated by the Authority in denying the request.