

Housing Authority of Monroe County
1055 West Main Street
Stroudsburg, PA 18360

Public Records Policy

Adopted: November 5, 2015

Revised:

1. Background.

The Board of Directors of the Housing Authority of Monroe County ("HAMC") has adopted this Right-to-Know Policy in order to formally implement the Right-to-Know Law, Act 3 of 2008.

The Board of Directors directs the appointed Open Records Officer to implement procedures necessary to effectuate this Policy and to adhere to the requirements of the Right-to-Know Law. This policy supersedes and replaces all previously adopted Right-to-Know Law Policies and any and all procedures related to the Right-to-Know Law shall be modified as consistent with this Policy.

Language in this Policy has been drafted taking into consideration the Right-to-Know Law and information available from and through the Office of Open Records. Nothing in this Policy shall be construed to conflict with applicable state and/or federal laws, including but not limited to the Right-to-Know Law and any and all applicable common law and case law developing from the Right-to-Know Law and/or interpreting the Right-to-Know Law. In the event the Right-to-Know Law is amended or otherwise revised, this Policy shall be interpreted to incorporate any revisions or changes to the Right-to-Know Law without the need for Board action.

2. Definitions.

Open Records Officer:

The Open Records Officer is the individual designated by the Board to receive, review and respond to all requests directed to HAMC pursuant to this Policy and applicable law.

Public Record:

A record, including a financial record, which is not protected by a defined privilege and is not exempt from disclosure under an exemption set forth in Pennsylvania's Right to Know Law or under other federal or state law or regulation, or judicial decree

or order.

This Policy shall be interpreted to allow access to or duplication of Public Records to the extent required by the Right-to-Know Law. This Policy shall not be interpreted to require or allow access to any record that is not a Public Record under the Right-to-Know Law.

Requester:

For purposes of this Policy, a Requester is a person that is a legal resident of the United States and requests a record pursuant to the Right-to-Know Law. The term includes an agency.

Response:

HAMC's notice informing a Requester whether access to a record is granted, denied, or partially granted and partially denied.

3. Delegation of Responsibility:

The Board of Directors designates the Deputy Executive Director, or designee, to be the Open Records Officer, who shall be responsible to:

1. Receive written requests for access to records
2. Review and respond to written requests in accordance with law, Board policy and administrative regulations.
3. Direct requests to other appropriate individuals for review and response.
4. Track the agency's progress in responding to requests.
5. Issue interim and final responses to submitted requests.
6. Maintain a log of all record requests and their disposition.
7. Ensure staff members are trained to perform assigned job functions relative to requests for access to public records.

Upon receiving an Open Records Request, the Open Records Officer shall promptly complete the following tasks to the extent required by the Right-to-Know Law:

1. Note the date of receipt on the written request.
2. Compute and note on the written request the day on which the five (5) business day period will expire.
3. Maintain a paper or electronic copy of the written request, including all documents submitted with it and the envelope (if any) in which it

was received, until the request has been fulfilled.

4. If the written request is denied, maintain the written request for thirty (30) days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied.
5. Make a good faith effort to determine if the record requested is a Public Record and whether HAMC has possession, custody or control of the record.

In preparing a written Response, the Open Records Officer should consult, as necessary, with the Solicitor.

4. Timeframe for Response

For purposes of determining the five (5) business-day period, a business day shall be from 8:00 a.m. until 4:30 p.m. on any Monday, Tuesday, Wednesday, Thursday, or Friday, except those days when the offices of HAMC are closed for all or part of a day due to a holiday; due to severe weather (such as a blizzard or ice storm); due to natural or other disaster; or due to the request or direction of local, state, or federal law enforcement officers.

Any Open Records Request received by the Open Records Officer after the close of regular business hours shall be deemed received on the following business day.

For purposes of determining the end of the five (5) business day period, the day that an Open Records Request is received (or deemed received) is not counted. The first day of the five (5) business day period is HAMC's next business day.

HAMC is not required to create a Public Record that does not already exist, nor is HAMC required to compile, maintain, format, or organize a Public Record in a manner in which HAMC does not currently do so.

5. Procedure for Requesting Records:

Oral requests. The Right-to-Know Law does not require HAMC to respond to oral requests. The Open Records Officer shall refuse to accept any oral request.

Anonymous requests. The Right-to-Know Law does not require HAMC to respond to anonymous requests. The Open Records Officer shall refuse to accept any written request that does not identify the Requester.

Written requests. The Right-to-Know Law requires that the Open

Records Officer act upon each non-anonymous written request when such request is submitted in person, by mail, by facsimile or email. A Requester must submit a request in writing to the Open Records Officer on a form to be provided by the Open Records Officer or on the form issued by the Office of Open Records. The Request must be addressed to the Open Records Officer and must set forth the name and address where HAMC should address its Response. The Request should identify or describe the Record or Records sought with sufficient specificity to enable HAMC to ascertain which Records are being requested. Any HAMC Employee or Board Member who receives a request directed to the Open Records Officer shall immediately forward the request to the Open Records Officer.

The Right-to-Know Law provides that the Requester need not include the reason for the request or the intended use of the Records. Therefore, the Open Records Officer shall not insist that such a statement be provided, nor shall HAMC reject or refuse a request on the grounds that no such reason was given.

6. Processing of Records Requests

Public records shall be available for access during regular business hours. Unless HAMC adopts written policies to the contrary, the regular business hours of HAMC for purposes of the Act are from 8:00 a.m. until 4:30 p.m., Monday through Friday.

A Requester's right of access does not include the right to remove a Record from the control or supervision of the Open Records Officer.

Unless otherwise provided by law, Public Records shall be made available for inspection and duplication in accordance with the Right-to-Know Law and this Policy. Public records shall be provided in the medium requested if the records exist in that medium; otherwise, they shall be provided in the medium in which they exist.

HAMC shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which HAMC does not currently compile, maintain, format or organize the record.

The Open Records Officer may respond to a records request by notifying the Requester that the record is available through publicly accessible electronic means or that HAMC will provide access to inspect the record electronically. If the Requester is unwilling or unable to access the record electronically, the Requester may, within thirty days following receipt of the notification, submit a

written request to the Open Records Officer to have the record converted to paper. HAMC shall provide access to the record in printed form within five days of the receipt of the written request for conversion to paper.

7. Response to Requests

Upon receipt of a written request for access, the Open Records Officer shall determine if the requested record is a Public Record and if the HAMC has possession, custody or control of the Record. A response will be issued within five (5) business days unless the right to an extension of time is allowed by law. In such a case, the Open Records Officer shall send written notice to the Requester within five (5) business days indicating the reason for an extension of the timeframe for response.

Redaction:

If HAMC determines that a Public Record contains information which is subject to access as well as information which is not subject to access, HAMC's Response shall grant access to the information which is subject to access and deny access to the information which is not subject to access. If the information which is not subject to access is an integral part of the Record and cannot be separated, HAMC shall redact from the Record the information which is not subject to access, and the Response shall grant access to the information which is subject to access. HAMC may not deny access to the Record if the information which is not subject to access can be redacted.

8. Appeals

If a written request for access to a Record is denied or deemed denied, the Requester may file an appeal with the Office of Open Records within fifteen (15) business days of the mailing date of HAMC's Response or within fifteen (15) business days of a deemed denial. The appeal shall state the grounds upon which the Requester asserts that the Record is a Public Record and shall address any grounds stated by HAMC for delaying or denying the request.

A person other than HAMC or Requester with a direct interest in the Record subject to an appeal under this section may, within fifteen (15) days following receipt of actual knowledge of the appeal but no later than the date the Appeals Officer issues an Order, file a written request to provide information or to appear before the Appeals Officer or to file information in support of the person's position. Copies of the written request shall be sent to HAMC and the Requester.

9. Posting

The following information shall be posted at HAMC and on its website:

1. Contact information for the Open Records Officer.
2. Contact information for the Office of Open Records or other applicable appeals officer.
3. The form to be used to file a request; HAMC shall also accept the form created by the Office of Open Records
4. Regulations, policies and procedures relating to the Right-to-Know Law.

10. Notice to Third Parties

When HAMC produces a record that is not a Public Record in response to a Request, the Open Records Officer shall notify any third party that provided the record to HAMC, the person that is the subject of the record and the Requester.

The Open Records Officer shall notify a third party of a record request for a Record that contains a trade secret or confidential proprietary information, in accordance with law and administrative regulations.

11. Duplication of Public Records:

A Public Record shall be accessible for duplication by a Requester. HAMC does not make duplication equipment available to a Requester but shall provide other means by which a Requester may obtain copies.

HAMC will assign its own staff to make the duplications requested by the Requester; or it may contract for duplication services and require that the Requester pay the contractor for those services. HAMC shall charge the Requester a reasonable fee(s) that is consistent with the prevailing charges in the geographic location where the duplication occurs.

12. Retention and Disposal of Public Records:

HAMC shall follow the mandates of all statutes and regulations governing the retention and disposition of Records. Neither the Right to Know Law nor this Policy modifies, rescinds or supersedes any retention or disposition schedule established pursuant to law or other regulation.

13. Fees and Charges:

Reasonable fees and charges as permitted by the Right-to-Know Law shall be established by the Board via Resolution and Established Fee Structure. The Board- approved list of fees shall be available for review by Requesters.

Such fee structure may be amended from time to time as appropriate using the standards provided in the Right-to-Know Law, and shall not exceed the fee structure recommended by the Office of Open Records.

All checks will be made payable to "HAMC." If the fee is for copying only and the anticipated cost exceeds \$100.00, HAMC may allow access to the Records but shall refuse to make copies until the fee is paid. If the fee is for redacted copies or some other allowable service that is necessary in order for access to be provided, HAMC may deny access until the fee is paid. ***At no time will HAMC accept cash as a method of payment.***

HAMC shall not charge a fee for review of a record to determine whether the record is subject to access.

All copies must be retrieved within ninety (90) days of HAMC Response or HAMC may, in the discretion of the Open Records Officer and to the extent allowed by law, dispose of copies made. The Requester remains responsible for fees incurred to the extent allowed by the Right-to-Know Law.

The Open Records Officer may waive fees set by the Board on a case by case basis consistent with applicable state and federal law.

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RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: _____

REQUEST SUBMITTED BY: E-MAIL U.S. MAIL FAX IN-PERSON

NAME OF REQUESTER: _____

STREET ADDRESS: _____

CITY/STATE/COUNTY (Required): _____

TELEPHONE (Optional): _____ RECORDS REQUESTED: (*Provide as much specific detail as possible so the agency can identify the information.) _____

DO YOU WANT COPIES? YES NO

DO YOU WANT TO INSPECT THE YES NO
RECORDS?

DO YOU WANT CERTIFIED COPIES OF RECORDS? YES NO

FOR AGENCY USE ONLY

OPEN RECORDS OFFICER: _____

_____ I have provided notice to appropriate third parties and given them an opportunity to object to this request

DATE RECEIVED BY HAMC: _____

HAMC FIVE (5) BUSINESS-DAY RESPONSE DUE: _____

HOUSING AUTHORITY OF MONROE COUNTY
Right-to-Know Law Request Fee Structure

The Right-to-Know law requires the establishment of a fee structure. The Housing Authority of Monroe County establishes the following fee structure in accordance with the Law and has derived this structure upon review of the Open Records Office's Recommended Structure. The Law requires that the Office of Open Records review the fee structure biannually. Any updates will be posted by HAMC.

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 ½ x 11 page)	\$0.25 per page.
Certification of a record *certification fees do not include notarization fees.	\$1.00 per record.
Specialized documents: (For example, but not limited to, blue prints, color copies, non-standard sized documents)	Actual Cost
Facsimile/Microfiche/Other Media:	Actual Cost
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.
Postage fees:	Actual cost
Other Allowable Fees:	Actual Cost

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