

BOROUGH OF WEST VIEW
Municipal Building - 441 Perry Highway
Pittsburgh, PA 15229-1889
Phone 412-931-2800 Fax 412-931-1920
Website - www.westviewborough.com

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"A Good Place to Live"

RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: _____

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

NAME OF REQUESTER: _____

STREET ADDRESS: _____

CITY/STATE/COUNTY: _____

TELEPHONE # _____ CELL PHONE # _____

RECORD(S) REQUESTED:

Please provide as much specific detail as possible so the Borough can identify the information.

DO YOU WANT COPIES? (Circle One Only) YES or NO

IF COPIES ARE REQUESTED (Circle One Only) MAIL COPIES or PICK UP COPIES
EMAIL COPIES or FAX COPIES

DO YOU WANT TO INSPECT THE RECORDS? (Circle One Only) YES or NO

DATE RECEIVED BY THE AGENCY: _____

AGENCY FIVE (5) BUSINESS DAY RESPONSE DUE: _____

DATE RECORD(S) MAILED/PICKED UP/FAXED/EMAILED: _____

Submit completed Form to the above address - Attention: Secretary/Manager

BOROUGH OF WEST VIEW

RIGHT-TO-KNOW POLICY FOR PUBLIC RECORDS

Section 1 - Introduction

The Borough of West View is classified as a local agency for purposes of the Right-To-Know Law (Act 3 of 2008). Local agencies shall provide public Records in accordance with the Right-To-Know Law. Therefore, any Record in the possession of the Borough shall be presumed to be a public Record, except in the following circumstances:

- 1) The Record is exempt under the Right-To-Know Law;
- 2) The Record is protected by the attorney-work product doctrine, the attorney-client privilege, or other privilege recognized by a court interpreting the laws of the Commonwealth of Pennsylvania;
- 3) The Record is exempt from disclosure under any other federal or state law or regulation or judicial order or decree.

Records are broadly defined under the Right-To-Know Law. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically, and a data-processed or image-processed document.

Requests for public Records can be made by any person that is a legal resident of the United States. Requests to the Borough can also be made by other Agencies (ie. Commonwealth, Local, Judicial or Legislative).

Section 2 - Access and Procedure

Requesters may make oral requests for access to Records. However, if the Requester wishes to pursue the relief and remedies provided for in the Right-To-Know Law, the request for access to Records must be a written request.

The Borough has designated the Secretary/Manager to act as the Open-Records Officer (“Officer”). The Officer’s contact information is set forth below:

Secretary/Manager
Borough of West View
441 Perry Highway
Pittsburgh, PA 15229-1889
Telephone 412-931-2800
Fax 412-931-1920
Website: www.westviewborough.com

Questions regarding this Policy may be directed to the Officer at the above telephone number or by writing to the above.

All written Requests must be addressed to the Officer and all such Requests must be submitted in person or by U. S. Mail or by Email or by Facsimile (“Fax”).

In the event that a written request for Records is addressed to a Borough Employee other than the Officer, the Borough Employee is hereby directed to promptly forward such requests to the Officer.

Written Requests should identify or describe the Record sought with specific detail to enable the Borough to ascertain which Records are being requested. Unless other use required by law, a written request need not include any explanation of the Requester’s reason for requesting the Records or the intended use of such Records.

Prior to granting a Request for access in accordance with the Right-To-Know Law, the Borough may require a Requester to prepay an estimate of the fees authorized by the law if the fees required to fulfill the request are expected to exceed One-Hundred Dollars (\$100.00). The fees must be reasonable and based on prevailing fees for comparable duplication services provided by local business entities. Except as otherwise provided by statute, no other fees may be imposed unless the agency necessarily incurs cost for complying with the Request, and such fees must be reasonable.

A Record being provided to a Requester shall be provided in the medium requested if it exists in that medium; otherwise, it shall be provided in the medium in which it exists. **In other words, the Borough shall not be required to create a Record which does not currently exist or to otherwise compile, maintain, format or organize a Record in a manner in which it does not currently compile, maintain, format or organize such Record.**

Section 3 - Borough's Response

Upon receipt of a written Request for access to a Record, the Borough shall make a good faith effort to determine if the Record requested is a public Record and whether the Borough has possession, custody or control of the identified Record, and to respond as promptly as possible under the circumstances existing at the time of the Request.

Under the Right-To-Know Law, the Borough must send a response within five (5) business days of receipt of the written Request for access, or else the written Request shall be deemed denied.

Upon receipt of a written Request for access, the Officer shall determine if one of the following applies:

- 1) The Request for access requires the redaction of a Record in accordance with the Right-To-Know Law;
- 2) The Request for access requires the retrieval of a Record stored in a remote location;
- 3) A timely response to the Request for access cannot be accomplished due to bonafide and specified staffing limitations;
- 4) A legal review is necessary to determine whether the Record is a Record subject to access under the Right-To-Know Law;
- 5) The Requester has not complied with the Borough's policies regarding access to Records;
- 6) The Requester refuses to pay applicable fees authorized by the Right-To-Know Law; or
- 7) The extent or nature of the Request precludes a response within the required time period of five (5) business days.

Upon a determination that one of the factors listed above applies, the Officer shall send written notice to the Requester within five (5) business days of receipt of the Request for access. The notice shall include a statement notifying the Requester that the Request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided, and an estimate of applicable fees owed

when the Record becomes available. Information which the Borough redacts in accordance with the Right-To-Know Law shall be deemed a denial.

If the date that a response is expected to be provided is in excess of thirty (30) days, following the five (5) business days allowed for above, the Request for access shall be deemed denied unless the Requester has agreed in writing to an extension to the date specified in the notice.

If the Requester agrees to the extension, the Request shall be deemed denied on the day following the date specified in the notice if the Borough has not provided a response by that date.

Section 4 - Appeal of Borough's Determination

If a written Request for access to a Record is denied or deemed denied, the Requester may file an appeal with the Office of the Open Records within fifteen (15) business days of the mailing date of the Borough'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 the Borough for delaying or denying the request. Further information pertaining to appeals, contact the following:

Office of Open Records
Commonwealth Keystone Building
400 North Street - 4th Floor
Harrisburg, PA 17120-0225
Phone 717-346-9903
Fax 717-425-5343
Internet Website - <http://open.Records.state.pa.us>

If the appeal involves criminal investigative Records, the Requester must appeal to the following:

Allegheny County District Attorney's Office
Room 303 Courthouse
436 Grant Street
Pittsburgh, PA 15219
Phone 412-350-4400

Section 5 - Vehicle Accident Reports and Police Incident Reports

Requests for these Reports will be released by the Chief of Police.

Section 6 - Fees

<u>Record Type</u>	<u>Fee</u>
Photocopies	\$0.25 per Page
Certification of a Record	\$5.00 per Record (Note: Certification Fee does not include notarization fee - if needed)
Specialized Documents	Actual Cost (For example, but not limited to, Blue Prints, Color Copies, nonstandard sized documents)
Facsimile/Microfiche/Other Media	Actual Cost
Conversion to paper or other Media	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

Actual Cost of Mailing

Vehicle Accident Reports
And Police Incident Reports

\$15.00 per Report

Section 7 - Payments

All costs to be paid by a Requester shall be paid by either cash, personal check, certified check or money order made payable to:

Borough of West View