

RIGHT TO KNOW POLICY
COUNTY OF WYOMING
PENNSYLVANIA

Purpose and Effective Date: On February 14, 2008, Act 3 of 2008 (65 P.S. § 67.101) was passed into law amending the Pennsylvania Right-To-Know Law (Act). The Act governs the rights of the public to inspect and obtain copies of public records. The effective date for most of the provisions in the Act is January 1, 2009. This policy shall be construed in such a manner as to comply with the Act and, where this policy is in conflict with the Act, the Act shall control.

Public Records: For County purposes, “public record” is defined in the Act as a County record, including a financial record, that: (1) is not exempt under Section 708 of the Act; (2) is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or (3) is not protected by a privilege.

“Record” is defined in the Act as information, regardless of physical form or characteristics, that documents a County transaction or activity and that is created, received or retained pursuant to law or in connection with a County transaction, business or activity. 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.

Inspection: Public records are open to inspection and for duplication during the normal hours of the office having custody of those records, Monday through Friday, except for holidays, subject to the regulations set forth herein.

Format: A public record must be provided to a Requestor in the medium requested, if it exists in that medium. Otherwise, it will be provided in the medium in which it exists. The County may make its records available through any publicly accessible electronic means, in which event it may respond to a request by notifying the requester that the record is available through publicly accessible electronic means or that the County will provide access to inspect the record electronically. If the requester is unwilling or unable to access the record electronically, the requester may submit a written request to have the record converted to paper. The County will provide copies of identifiable and existing public records but is not required to create, synthesize, compile, maintain, format, convert, or organize records in response to a request. Nevertheless, the County may choose to do so for an appropriate fee.

Request for Public Records: An individual may make a written request for access to a record. A written request includes those sent via electronic mail (e-mail). The office or department to which the request is made shall immediately forward the request to the County Open Records Officer. The recipient of the request shall not inquire as to the intended use of the record. A requester shall not be granted access to a County computer unless it is customarily provided for public access to public documents in row offices. The request shall indicate whether the records are to be certified.

A requestor may not pursue any relief available under the Act unless the request is in writing. Written requests for County records are to be sent to the County Records Officer and addressed as follows:

County Open Records Officer, County Administrator, 1 Courthouse Square,
Tunkhannock PA 18657

Except record requests for the offices listed below shall be sent to that office at the address indicated:

- Coroner's records: Wyoming County Coroner, 1 Courthouse Square, Tunkhannock PA 18657
- Criminal Court records: Wyoming County Clerk of Courts, 1 Courthouse Square, Tunkhannock PA 18657
- Civil Court records: Wyoming County Prothonotary, 1 Courthouse Square, Tunkhannock PA 18657
- District Attorney's records: Wyoming County District Attorney, 1 Courthouse Square, Tunkhannock PA 18657
- Domestic Relations' records: Wyoming County Court Administrator, 1 Courthouse Square, Tunkhannock PA 18657
- Probation and Parole Office records: Wyoming County Court Administrator, 1 Courthouse Square, Tunkhannock PA 18657
- Register of Wills' records: Wyoming County Register of Wills, 1 Courthouse Square, Tunkhannock PA 18657
- Treasurer's Office records: Wyoming County Treasurer, 1 Courthouse Square, Tunkhannock PA 18657

The written request must:

- Provide an address to which the records are to be mailed or indicated that the records will be picked-up by the requester in person at the appropriate office listed above.
- Identify or describe the specific records being sought. The request must be sufficientlyProvide the name of the person requesting the record.
- Provide a mailing address to which a written reply and/or the requested information can be sent.
- Provide a telephone number where the requestor can be contacted.
- 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.
- Agree to reimburse the cost of reproducing the records requested, and if the cost of reproducing the records exceeds \$100, include a deposit equal to the lesser of \$100 or 25% of the estimated cost of reproducing the

records. The balance shall be due and payable at the time the records are delivered.

The written request does not need to include an explanation of the requestor's reason for the request or of the requestor's intended use of the record(s).

Redaction: The County will grant access to public records according to this Policy and will separate and exclude any records which are not public records or which are otherwise excluded or exempted from the definition of public records. If information which is not subject to access is an integral part of a public record and cannot be separate, the County shall redact from the public record the information which is not subject to access and the response shall grant access only to the information which is subject to access.

County's Response and Time of Response: Once a written request for public records has been received by the designated contact person for the office with custody of the records, if the records have not already been provided pursuant to a verbal request, the office with custody of the records shall respond to the request within five (5) days in one of the following manners:

- The requested records will be provided; or
- The request will 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 Act 100; or

If the County determines that the following conditions apply:

- The requested records require redaction
- The requested records require retrieval from remote locations
- The requested records require legal review
- The requestor has not complied with the County's Policy
- A timely response cannot be made due to staffing limitations
- The requestor refuses to pay the applicable fees set forth by this Policy

the County will send written notice that the request is being reviewed, the reason for the review, and a reasonable date by which a response is expected to be provided.

Appeal of Denial: Appeals must be made in writing within 15 days of the date of mailing or the date of deemed denial of the request to the office with custody of the record. The requestor must state grounds for an appeal and how the document(s) being requested constitute a public record. The requestor must also reply to the reasons given for the denial. The final decision on an appeal must be made within 30 days of the

mailing of the filing of the appeal. A hearing may be held prior to making a final decision, but the hearing must be held within 30 days of receiving the appeal.

Judicial Appeal: Appeals from final decision may be filed with the Court of Common Pleas of Wyoming County or a district magistrate of the County. The court or magistrate must give a reasoned decision that includes: findings of fact, conclusions of law, a clear and concise explanation of the rationale why the court has reached its decision to approve or disapprove the application for the requested documents.

Fees: A request for copies of public records or information produced therefrom must be accompanied by payment of fees to cover the direct cost of duplication as set forth below:

- Fees for the actual cost of mailing
- Customary fees per page charged by the agency with custody of the records for duplication by photocopying or printing or other means of duplication.
- Customary fees for official certification if requested by the requestor.
- Reasonable fees to cover other types of reproduction costs, including conversion, electronic access, etc.; and
- Allowable additional actual costs incurred by the County which are necessary for complying with the request.

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.

Statement of Intent: This Policy is intended to comply with the Right-to-Know Law and Open Records Law as the same apply to the County. If this Policy conflicts with any applicable statutory provision, then the statutory provision shall take precedence.