

Office of Open Records Right-to-Know Law Policy

Adopted December 1, 2016, pursuant to 65 P.S. § 67.504(a)

Effective Date: December 2, 2016

I. Authority

The Office of Open Records (“OOR”) adopts this policy pursuant to Section 504(a) of the Right-to-Know Law, 65 P.S. §§ 67.101-67.3104 (“RTKL”).

II. Definitions

All of the definitions set forth in the RTKL are incorporated in this policy by reference.

Business day. The regular business hours of the OOR are Monday through Friday from 9:00 am to 5:00 pm. Business days exclude Saturday and Sunday and a weekday, or portion of a weekday, where the OOR is closed.

III. Submitting a RTKL Request to the OOR

A. *Open Records Officer.* The OOR has designated an Open Records Officer to respond to RTKL requests. The contact information for the OOR’s Open Records Officer is:

George Spiess
Open Records Officer

Mail: Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234

In Person: Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234

Email: RTK-OOR@pa.gov
Phone: 717-346-9903
Fax: 717-425-5343

B. *Formal written requests.* Requests are best submitted in writing using the RTKL Uniform Request Form available on the OOR website (the form is available in three versions: online form, PDF, and Word): <http://www.openrecords.pa.gov/RTKL/RequestForm.cfm>

If a requester chooses not to use the request form, the request should indicate that it is seeking records under the RTKL; must be submitted via email, mail, or facsimile; and must be addressed to the Open Records Officer. To allow the OOR to locate responsive records and determine whether those records are public, requests for records should be specific and concise and identify as precisely as possible the records sought. Requesters should retain a copy of the request for their files, as a copy of the request is necessary should a requester appeal the OOR response.

- C. *Informal written requests.* The OOR will respond to informal written requests (e.g., requests made on Twitter, in comments on the Executive Director’s blog, in comments on the OOR’s YouTube channel, etc.) in as timely a manner as possible. However, such requests may not be reviewed on a daily basis and will not be processed as a request submitted under the RTKL.
- D. *Verbal and anonymous requests.* The OOR will respond to verbal and anonymous requests for records in as timely a manner as possible. However, requesters submitting verbal and anonymous requests for records may not pursue the remedies available to a requester under the RTKL. 65 P.S. § 67.702.
- E. *Response period.* Generally, the OOR has five business days to respond to a request for records under the RTKL.
- F. *Business days.* Any hard copy request received by the OOR after the close of regular business hours shall be deemed to be received on the next business day. Requests filed by email or fax will be accepted up to 11:59:59 p.m. and will be date-stamped as being received that business day.

IV. OOR Response

- A. *Extension notice.* The OOR is permitted to take an additional 30 days to respond to any request for the reasons set forth in Section 902 of the RTKL, 65 P.S. § 67.902. If the OOR invokes an extension, the OOR will inform the requester in writing.
- B. *Requester agreement to extend the response period.* The requester may agree, in writing, to extend the response period beyond 30 days. The requester must agree to the extension during the 5 business day or OOR extended response period.
- C. *Final response.* The OOR may grant a request, partially grant and partially deny a request, or deny a request in its entirety. The final response of the OOR will be in writing. Should the OOR fail to issue a response within the applicable response period, the request is deemed denied.
 - 1. *Granting access to records.* The OOR may grant a request for records by issuing a response: (1) granting access to inspect OOR records during the OOR’s regular business hours; (2) sending copies of responsive records to the requester; and (3) by notifying the requester that the record is available on the OOR website.
 - 2. *Denying or partially denying access to records.* Should the OOR deny or partially deny a request for records through redaction or otherwise, the OOR will inform the requester of the denial or partial denial in writing and inform the requester that the OOR does not possess the responsive record or, if the information is exempt from public access, provide a citation to the relevant legal basis for withholding the requested information.
- D. *Fees.* The OOR will charge duplication and certification fees consistent with the OOR Fee Structure. The OOR may, in its discretion, choose to waive some or all of the fees owed on a case-by-case basis.

V. RTKL Appeals

To challenge the denial or deemed denial of a request for OOR records, an appeal may be filed by completing the official OOR Appeal Form available on the OOR website: <http://www.openrecords.pa.gov/Appeals/HowToFile.cfm>

An appeal may also be filed via postal mail, email, or fax:

Erik Arneson, Executive Director
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234

Email: openrecords@pa.gov

Fax: 717-425-5343

An appeal *must* include a copy of the request and the OOR's response. More information is available on the OOR website: <http://www.openrecords.pa.gov/Appeals/HowToFile.cfm>

VI. Additional Information

Additional information regarding the RTKL and the request and appeal process, including the OOR Citizen's Guide, Agency Guides, and related forms, are available on the OOR website at <http://www.openrecords.pa.gov>. If you require further assistance, call 717-346-9903.