



Thompsontown Borough  
62 State Street, PO Box 294  
Thompsontown, PA 17094  
Email: [thmboro@gmail.com](mailto:thmboro@gmail.com)  
717-535-4942

## 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:** \_\_\_\_\_

**TELEPHONE:** \_\_\_\_\_

**RECORDS REQUESTED:**

*\*Provide as much specific detail as possible so the agency can identify the information*

**DO YOU WANT COPIES?** YES or NO

**DO YOU WANT TO INSPECT THE RECORDS?** YES or NO

**DO YOU WANT CERTIFIED COPIES OF RECORDS?** YES or NO

**RIGHT TO KNOW OFFICER:** V. Sue Pontius

**DATE RECEIVED BY THE AGENCY:**

**AGENCY FIVE (5) BUSINESS DAYS RESPONSE DUE:** \_\_\_\_\_



**Thompstontown Borough**  
**62 State Street, PO Box 294**  
**Thompstontown, PA 17094**  
**Phone: 717-535-4942**  
**e-mail: thmboro@gmail.com**

## **Thompstontown Borough**

### **RIGHT-TO-KNOW LAW POLICY**

Adopted September 17, 2018 pursuant to 65 P.S. § 67.504(a)  
Effective Date: September 18, 2018

#### **I. Authority**

The Thompstontown Borough (will now be known as the Borough) 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 to this policy by reference.

*Business day:* Monthly public meetings are held the 3rd Monday of each month at 7:00 p.m. at the local borough office, which is located across the street from the Thompstontown Fire Company (on State Street). Business days exclude Saturday and Sunday. We are closed due to a state holiday, a weather-related closing, a natural disaster, or at the request of public safety or law enforcement officials.

#### **III. Submitting a RTKL Request to the Thompstontown Borough**

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

Thompstontown Borough  
Open Records Officer: Vivian Sue Pontius  
By Mail: 62 State Street, PO Box 294, Thompstontown, PA 17094  
In Person: Same as above  
Phone 717-535-4942  
Facsimile: 717-535-4942  
E-mail: thmboro@gmail.com

*B. Request.* Requests should be submitted in writing using the RTKL Uniform Request Form available on the (RTKL) website and be addressed to the Thompsontown Borough Open Records Officer, Vivian Sue Pontius. If a requester chooses not to use the request form, the request should clearly indicate that it is seeking records under the RTKL. To allow the Thompsontown Borough to locate responsive records and determine whether those records are public, requests for records should be specific and concise and clearly identify as precisely as possible the records sought. Requesters should retain a copy of the request for their file as a copy of the request is necessary should a requester appeal the Thompsontown Borough response.

Requests *must* be submitted in writing using the Thompsontown Borough Request Form or the RTKL or the RTKL Uniform Request Form available on the Thompsontown Borough website and be addressed to the Thompsontown Borough Open Records Officer Vivian Sue Pontius. If a requester chooses not to use the RTKL-Uniform Request Form will be considered an informal request, not subject to the RTKL. To allow the Borough to locate responsive records and determine whether those records are public, requests for records should be specific and concise and clearly identify as precisely as possible the records sought. Requesters should retain a copy of the request for their file as a copy of the request is necessary should a requester appeal the Borough response.

*C. Receipt of the request.* The Thompsontown Borough receives the request on the business day the Thompsontown Borough Open Request receives the request. Any request that is received by the Thompsontown Borough after the close of regular business hours shall be deemed to be received on the next business day. If the request is received by a Borough employee other than the Thompsontown Borough Open Records Officer, the request will be forwarded to the Open Records Officer as soon as practicable.

*D. Verbal and anonymous requests.* The Borough will not respond to verbal and anonymous requests for records. Requesters submitting verbal and anonymous requests for records may not pursue the remedies available to a dissatisfied requester under the RTKL.

*E. Response period generally.* The Borough has five business days to respond to a request for records under the RTKL.

#### **IV. The Agency Response.**

*A. Interim response.* The Thompsontown Borough 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 JCAS invokes an extension, the Borough 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 extended response period.

C. *Final response.* The Borough may grant a request, partially grant and partially deny a request, or deny a request in its entirety. The final response of the Borough will be in writing. Should the Borough fail to issue a response within the applicable response period, the request is deemed denied.

1. *Granting access to records.* The Borough may grant a request for records by issuing a response: (1) granting access to inspect Borough records during the Agency's regular business hours; (2) sending copies of responsive records to the requester; or (3) by notifying the requester that the record is available on the Borough website or other publicly accessible electronic means.

2. *Denying or partially denying access to records.* Should the Agency deny or partially deny a request for records through redaction or otherwise, the Borough will inform the requester of the denial or partial denial in writing. The response will inform the requester that the Borough 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 Borough will charge duplication and certification fees consistent with the OOR Fee Structure. See attachment A.

## V. RTKL Appeals.

*Generally.* To challenge the denial or deemed denial of a request for Borough records, an appeal may be filed with the Office of Open Records ("OOR") by contacting:

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

An appeal must include a copy of the request and the Borough response.

*Requirements of an appeal.* All appeals must be in writing; must state the grounds upon which the requester asserts that the requested records are a public record; must address any grounds stated by the Borough for denying the request; and must include a copy of the request and agency response, if any. All appeals must be filed within 15 business days of the mailing date of the agency's denial or deemed denial of the request.

## VI. Additional Information about the RTKL

Additional information regarding the RTKL and the request and appeal process, including the OOR Citizens Guide, Agency Guide and related forms, are available on the OOR website at <http://openrecords.state.pa.us>.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Solicitor

\_\_\_\_\_  
Council President

# ATTACHMENT A

## RTKL FEE STRUCTURE

Section 1307 of the Right-To-Know Law (RTKL) requires the Office of Open Records (OOR) to establish a fee structure for Commonwealth agencies and local agencies. The RTKL requires the OOR to review the fee structure biannually.

*The OOR adopted this Official RTKL Fee Structure on Sept. 15, 2016.*

<b>Record Type / Delivery Method</b>	<b>Fee</b>
Black & White Copies	Up to \$0.25 per copy. (1)
Color Copies	Up to \$0.35 per copy. (2)
Specialized Documents (3)	Up to actual cost.
Records Delivered via Email	No additional fee may be imposed. (4)
CD / DVD	Up to actual cost, not to exceed \$3.00 per disc.
Flash Drive	Up to actual cost.
Facsimile	Up to actual cost. (5)
Other Media	Up to actual cost.
Redaction	No additional fee may be imposed. (6)
Conversion to Paper	Up to \$0.25 per page. (7)
Photographing a Record	No additional fee may be imposed. (8)
Postage	Up to actual cost of USPS first-class postage.
Certification	Up to \$5.00 per record. (9)

## Footnotes:

1. A "copy" is either a single-sided copy on 8.5"x11" paper, or one side of a double-sided copy on 8.5"x11" paper.
2. A "copy" is either a single-sided copy on 8.5"x11" paper, or one side of a double-sided copy on 8.5"x11" paper. Note that a requester may ask for black and white copies even if the original is in color and color copies are available.
3. Including, but not necessarily limited to, non-standard sized documents and blueprints.
4. If a requester asks to receive records which require redactions in electronic format, an agency may print the records to provide for secure redaction, then scan them in for delivery by email. Accordingly, the agency may charge the fees noted above for either B&W or color copies, as appropriate.
5. If an agency must print records to send them by facsimile, the agency may charge the fees noted above for B&W copies.
6. If a requester seeks records requiring redaction, an agency may copy or print the records to provide for secure redaction. Accordingly, the agency may charge the fees noted above for either B&W or color copies, as appropriate.
7. 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. See §1307(e).
8. This assumes the requester is using his or her own camera, such as a cellphone camera, to photograph the records. See *Muenz v. Township of Reserve*, OOR Dkt. AP 2015-1021, 2015 PA O.O.R.D. LEXIS 1176. If redaction is required prior to the requester being granted access to photograph records, an agency may copy or print the records to provide for secure redaction. Accordingly, the agency may charge the fees noted above for either B&W or color copies, as appropriate.
9. Under the RTKL, an agency may impose "reasonable fees for official certification of copies if the certification is at the behest of the requester and for the purpose of legally verifying the public record." The OOR recommends no more than \$5 per record to certify a public record. Certification fees do not include notarization fees.

## Additional Notes:

- **Fees May Be Waived:** All fees established herein may be waived at the discretion of the agency.
- **Other Statutory Fees:** If a statute other than the RTKL governs the amount an agency may charge for a certain type of record, the other statute controls. For example, a Recorder of Deeds may charge a copy fee of 50 cents per uncertified page and \$1.50 per certified page (42 P.S. § 21051). Police departments may charge up to \$15 for a copy of a vehicle accident report (75 Pa.C.S. §3751 (b)(2)); the Philadelphia Police Department may charge up to \$25 per copy (Id. at (b)(3)). State police are authorized to charge "\$5 for each copy of the Pennsylvania State Police full report of investigation." (75 Pa.C.S. §1956(b)). Other examples include the History Code, the Municipalities Planning Code, and the Criminal History Record Information Act.
- **Inspection of Redacted Records:** If a requester wishes to inspect, rather than receive copies of, records which contain both public and non-public information, the agency may redact the

non-public information. An agency may not charge the requester for the redaction itself. However, an agency may charge (in accordance with the OOR's Official Fee Structure) for any copies it must make in order to securely redact the material before allowing the requester to view the records. If, after inspecting the records, the requester chooses to obtain the copies, no additional fee may be charged.

- **Enhanced Electronic Access:** If an agency offers enhanced electronic access to records in addition to making the records accessible for inspection and duplication by a requester, the agency may establish user fees specifically for the provision of the enhanced electronic access. The user fees for enhanced electronic access may be a flat rate, a subscription fee for a period of time, a per-transaction fee, a fee based on the cumulative time of system access, or any other reasonable method and any combination thereof. Such fees shall not be established with the intent or effect of excluding persons from access to records or duplicates thereof or of creating profit for the agency. **NOTE: Fees for enhanced electronic access must be reasonable and must be pre-approved by the OOR. Please submit enhanced electronic access fee requests to the OOR.**
- **Fee Limitations:** Except as otherwise provided by statute, the RTKL states that no other fees may be imposed unless the agency necessarily incurs costs for complying with the request, and such fees must be reasonable. No fee may be imposed for an agency's review of a record to determine whether the record is a public record subject to access under the RTKL. No fee may be charged for searching for or retrieval of documents. An agency may not charge staff time or salary for complying with an RTK request. No fee may be charged for an agency's response letter.
- **Prepayment:** Prior to granting a request for access in accordance with the RTKL, an agency may require a requester to prepay an estimate of the fees authorized under this section if the fees required to fulfill the request are expected to exceed \$100. Once the request is fulfilled and prepared for release, the OOR recommends that the agency obtain payment prior to releasing the records.
- **Questions:** If you have any questions regarding the OOR's Official Fee Structure, please contact the OOR.

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## More About Enhanced Electronic Access Fees

Pursuant to Section 1307(e) of the RTKL, the Office of Open Records must approve of the user fees established for enhanced electronic access.

Below are the approvals that the OOR have issued to date:

- Department of State - Notary Public Master Lists & Related Electronic Data (PDF) - Aug. 3, 2018
- Department of Conservation and Natural Resources - Subscription to PA\*IRIS Partnership (PDF) - May 12, 2011
- Department of State - Corporate Filings Subscription Agreement & UCC Filings Subscription Agreement (PDF) - May 29, 2009
- Dean v. Lycoming County (OOR Dkt. 2009-0282) - Specialized GIS Files (PDF) - FD Issued May 29, 2009



**pennsylvania**  
OFFICE OF OPEN RECORDS

**AGENCY OPEN RECORDS OFFICER  
REGISTRATION**

Office of Open Records  
333 Market Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17101-2234  
Fax: (717) 425-5343  
E-mail: [ORORegistration@pa.gov](mailto:ORORegistration@pa.gov)

**Agency Open Records Officer ("AORO") Name and Address**

Agency Name: Thompsontown Borough  
AORO Name: Vivian Sue Pontius  
Street Address: 62 State Street, PO Box 294  
City: Thompsontown State: PA Zip Code: 17094  
AORO Phone Number: ( 717 ) 535- 4942  
Fax of AORO: (717 ) 535 - 4942  
E-mail Address of AORO: thmboro@gmail.com  
(NOTE: An agency may use a dedicated e-mail address for requests, i.e. RTKLRequest@agency.gov)  
Agency website address: In the process of being developed.

**Agency Posting Requirements**

Section 504(b) of the Right-to-Know Law ("RTKL") requires that an agency post certain information at the agency and on the agency's website, if the agency maintains a website. An agency must post:

- Contact information for the agency open records officer.
- Contact information for the Office of Open Records or other applicable appeals officer.
- A form which may be used to file a request.
- Agency regulations, policies and procedures related to the RTKL.

Please select one of the following:

- The agency posted all information required by Section 504(b) of the RTKL at the agency and on the agency's Internet website.
- The agency posted all information required by Section 504(b) of the RTKL at the agency and the agency *does not* maintain an Internet website.

Respectfully Submitted,

Vivian Sue Pontius  
AORO's Signature

Date: 8/22/2018