

**PUBLIC RECORD ACCESS POLICY
OF THE BOROUGH OF ELVERSON,
CHESTER COUNTY, PENNSYLVANIA**

SECTION 1. This Policy shall govern all requests made for access to the public records of the Borough of Elverson, Chester County, Pennsylvania (the “Borough”).

SECTION 2. The purpose of this Policy is to establish procedures for the Borough to follow for requests made for public records under Pennsylvania Act 3 of 2008 (known as the “Right-to-Know Law”).

SECTION 3. The term “Public Record”, as defined by Act 3, is a 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”.

SECTION 4. The Borough designates the Borough Secretary, Lorrie Stolz, to act as the Open Records Officer of the Borough. Ms. Stolz’s contact information is set forth below:

Mailing Address: Lorrie Stolz
 Borough of Elverson
 101 S. Chestnut Street
 P.O. Box 206
 Elverson, PA 19520
 Telephone: 610-286-6420
 Fax: 610-286-5950

The Borough designates Roy France, currently the Borough Council
Member, to act as the Alternate Open Records Officer of the Borough. He may be contacted at the mailing address set forth above for Ms. Stolz.

SECTION 5. Requests for public records can be made by any person who is a legal resident of the United States and, also, by other local agencies. Requesters may make oral requests for access to public 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. A written request for access to records may be submitted in person, by mail, by e-mail, or by facsimile. The form which may be used to file a request is posted at the Borough's office, and if the Borough does develop an internet website, at that website. All written requests must be addressed to the Open Records Officer. In the event that a written request for records is addressed to a Borough employee other than the Open Records Officer, the Borough employee is hereby directed to promptly forward such request to the Open Records Officer.

SECTION 6. All applicable fees shall be paid in order to receive access to the record requested. The following fees are hereby established by the Borough:

<u>Record Type</u>	<u>Fee</u>
Copies: A "photocopy" is either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5" x 11" page	.25 per page
Certification of a Record	\$1 per record, not per page. Certification fees do not include notarization fees.
Specialized Documents: For example, but not limited to, blue prints, color copies, non-standard sized documents	Actual cost
Facsimile/Microfiche/Other Media	Actual cost
Redaction fee	No redaction fee may be charged.
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. (Sec. 1307(e)).

Postage Fees

Fees for postage may not exceed the actual cost of mailing.

Prepayment: Prior to granting a request for access in accordance with this Act, 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 \$100.00.

Payment at Delivery: Once the request is fulfilled and prepared for release, the Borough should obtain the cost of the records prior to releasing the records.

SECTION 7. The time for response shall not exceed five (5) business days from the date the written request is received by the Open Records Officer.

SECTION 8. Upon receipt of a written request, the Open Records Officer shall determine if the request for access requires redaction of a record, requires a legal review to determine whether the record is a record subject to access under the Act, or if one of the other reasons exist which would allow an extension of time for response under Section 902 of the Act. Otherwise, the time for response shall not exceed five (5) business days from the date the written request is received by the Open Records Officer. If the Borough fails to send the response within five (5) business days, the written request for access shall be deemed denied. If the agency's response is a denial, the denial shall be issued in writing and shall include the information required by Section 903 of the Act.

SECTION 9. If a written request for access of 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 the Borough's response, or within fifteen (15) days of a deemed denial. The written appeal should be sent to:

Terry Mutchler, Executive Director
Office of Open Records
Commonwealth Keystone Building
400 North Street, Fourth Floor
Harrisburg, Pennsylvania 17120

The Office of Open Records website is:
www.openrecords.state.pa.us

SECTION 10. Nothing in this policy or in the Right-to-Know Law shall be construed to require access to any computer of the Borough, or that of an individual or employee of the Borough.

SECTION 11. If a public record request involves both information subject to public access and information not subject to public access, the Borough shall grant access to those portions subject to public access. The Borough shall remove or redact any record or portion not subject to public access. The Borough shall remove or redact only any record or portion not subject to public access.

SECTION 12. The Borough shall notify the person or entity seeking access as to when the records are available for inspection. Inspection shall be made at the Borough's offices, 101 S. Chestnut Street, Elverson, Pennsylvania, 19520, unless the Borough designates an alternative location where the records can be reviewed. Inspection shall be made between 9:00 A.M. and 4:00 P.M. on any Monday, Tuesday, or Thursday, except public holidays or days when the Borough's offices are not otherwise generally available and open for business. The Borough shall not designate an alternative location unless the above location is not available, or unless some or all of the

requested records are being kept at a location other than the above location, or unless another sound reason exists for the designation of an alternative location.

SECTION 13. It is the intent of the Borough to comply with all applicable laws, including all statutes and regulations, which apply to the matters covered in this policy. This includes all Federal, State, County, municipal or other law binding on the Borough. To the extent anything in this document shall be inconsistent with or prohibited by any provision of any applicable statute or regulation bearing on these matters and binding on the Borough, then the provisions of this Policy shall be deemed to be amended to the extent necessary for these policies to not be in violation of any statute or regulation. To the extent any portion of this Policy shall be inconsistent with or in violation of any applicable statute or regulation, and there is more than one (1) possible method by which the policies could be altered so as to remove such inconsistency or violation, then this Policy shall be deemed amended in the manner which results in the least possible change while still resulting in this Policy being in compliance with all applicable statutes and regulations, it being the intention that if more than one (1) change in this Policy would cure how this Policy would otherwise be in violation of any statute or regulation, then this Policy shall be deemed amended in this manner so that after such deemed amendment, this Policy remains as closely as possible to the terms and intent of the Policy as adopted by the Borough.

SECTION 14. If there is any question or uncertainty as to the interpretation or effect of this Policy, a written request for an interpretation or explanation or clarification shall be sent to either:

Borough of Elverson
101 S. Chestnut St.
P. O. Box 206
Elverson, PA 19520
Fax: 610-286-5950

or the Borough's Solicitor:

James D. Scheffey, Esquire
YERGEY•DAYLOR•ALLEBACH•SCHEFFEY•PICARDI
50 S. Pine Street
P.O. Box 526
Elverson, PA 19520
Fax: 610-286-0068

SECTION 15. These policies shall be in effect for all requests of public records made on or after the date of adoption of this Resolution.

SECTION 16. A copy of this policy must be posted prominently at the Borough's office.

SECTION 17. This Policy shall be effective January 1, 2010.

This Public Record Access Policy of the Borough of Elverson has been adopted by a Resolution of the Borough adopted at a public meeting of the Borough on the _____ 2nd _____ day of _____ February _____, 2010.

BOROUGH COUNCIL OF THE
BOROUGH OF ELVERSON

By: Merle Stoltzfus
Merle Stoltzfus, President

Attest: Lorrie Stolz
Lorrie Stolz, Secretary

Approved by: Arleigh Hegarty
Arleigh Hegarty, Mayor