




TOWAMENCIN TOWNSHIP POLICE DEPARTMENT



Subject: Pennsylvania Right to Know Act		Policy # 4.11.1
Accreditation 4.11.1		
Effective Date: April 1, 2010	Revised Date: January 1, 2013	
By Authority Of: Chief Paul T. Dickinson	Signature: 	

4.11.1 PENNSYLVANIA RIGHT TO KNOW ACT

The Towamencin Township Police Department will comply with the Pennsylvania Right To Know Law, (Act 3 of 2008) in regards to the responsibilities of state and other agencies.

- A. As a local agency the Towamencin Township Police Department shall provide public records in accordance with the Pennsylvania Right To Know Law, (Act 3 of 2008). A requester for a public record cannot be denied access merely due to the intended use of the public record unless otherwise provided by law.
- B. Towamencin Township has designated the Township Manager as the designated open records officer.
- C. The Towamencin Township Police Department shall post at police headquarters and on the internet website:
 - 1. Contact information for the open-records officer.
 - 2. Contact information for the Office of Open Records or other applicable appeals officer such as the Montgomery County District Attorney for investigative records.
 - 3. A form which may be used to file a request.
 - 4. Regulations, policies, and procedures of the agency relating to this act.
- D. Any policy or regulation adopted by the Towamencin Township Police Department may not include any of the following:
 - 1. A limitation on the number of records which may be requested or made available for inspection or duplication.
 - 2. A requirement to disclose the purpose or motive in requesting access to records.
- E. Any person who desires access to a public record of the Towamencin Township Police Department, for inspection or duplication shall make that request either in person or in writing to the police department.
 - 1. The request shall include the date of request, the name of the requester and a clear description of the records sought.
 - 2. There shall be no limitation on the number of public records sought, however it is understood that the greater the number of records sought, the more time it will take to compile same.

3. There shall be no requirement that the requester disclose the purpose or motive in requesting access to the public records.
- F. Upon receipt of the written request, the police department shall notify the requester that they will be contacted and advised of the date and time that the record(s) may be available. A Request for Information Form is available at police headquarters and is also accessible through the Township's website.
 - G. As a general policy, public records will be available for access, inspection, and duplication at the Towamencin Township Police Department during normal business hours from Monday through Friday, from 8:00 A.M. to 4:00 P.M., with the exception of holidays.
 - H. The request shall be forwarded to the Open Records Officer, or designee, who shall note the date of the receipt of the written request; compute the day on which the five-day response period will expire and make a notation of that date on the written request; maintain an electronic or paper copy of the written request, including all documents submitted with the request, until the request has been fulfilled with the written request being maintained for a thirty (30) day period in the event that the request is denied or if an appeal is filed, until a final determination is issued or the appeal is deemed denied; and, create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.
 - I. The Chief of Police, or his designee, and the Township Manager (Open Records Officer) for the Township, will make a good faith effort to determine if the record requested is a public record and to respond as promptly as possible under the circumstances existing at the time of the request.
 - J. No person shall have access to, nor examine, inspect or duplicate any public record to which the laws of the Commonwealth of Pennsylvania or the laws of the United States of America deny such access. The Open Records Officer, in collaboration with the Chief of Police, or his designee, must make a determination that the record requested does not fall within the exceptions to this Act. Excluded from this Act are certain records that are delineated as exceptions in section 708 of the Act.
 - K. The Police Department is not required to create a public record which does not currently exist or to compile, maintain or format a public record in a manner in which the Police Department does not currently maintain such information.
 - L. In the event that the Open Records Officer, in collaboration with the Chief of Police, or his designee, determines that the requested record contains information that is subject to access as well as information which is not subject to access, the Open Records Officer shall grant access to information which is subject to access and deny access to the information that is not subject to access. In conformance with section 706 of the Act, if the information that is not subject to access is an integral part of the public record and cannot be separated, the Chief of Police, or his designee, shall redact the non-accessible information from the record. If, however, the information which is not subject to access cannot be redacted from the public record then access to such public record shall be denied.
 - M. As soon as possible, but no later than five (5) business days after receiving the written request, the requested record be will provided; or, the request will be denied and the requester will be notified in writing; or, a written notice will be sent that the records cannot be provided within the five (5) business days, in conformance with section 902 of the Act and a notice will be issued specifying a date when the records may be expected but, in no case, will the time be longer that thirty (30) days. In the event that no response is made within five (5) business days of receipt of the written request, the request shall be deemed denied.
 - N. If the requester requests that duplicates of the record be made, then the requester shall pay the fees for such duplication as set forth in the Township Fee Schedule, and may include postage, if applicable. If the requester fails or refuses to pay such fees, then the requested record shall not be delivered to the requester.

- O. The Towamencin Township Board of Supervisors enacted the "Open Records Policy" through Resolution Number 98-03 on January 21, 1998. Towamencin Township Board of Supervisors appointed Robert A. Ford, Township Manager, as the Township's Open Records Officer on December 10, 2008.
- P. If a written request for information, whether in whole or in part, is denied, a written response will be sent by the Open Records Officer to the requester with a description of the record requested, the specific reasons for denial, including a citation of supporting legal authority, contact information for the Open Records Officer, date of response, and procedure to appeal the denial.
- Q. Requesters receiving a denial either in part or in whole of a submitted request have the right to appeal and file any appeal in writing to the Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, Plaza Level, Harrisburg, PA 17120-0225. Appeals of criminal records shall be made to the District Attorney of Montgomery County, Montgomery County Court House, P.O. Box 311, Norristown, PA 19404-0311. Appeals shall be filed within fifteen (15) business days of the mailing date of the response or within fifteen (15) days of a deemed denial. The appeal shall state the grounds upon which the requester asserts the record is a public record and shall address any grounds stated by the Township for delaying or denying the request.
- R. Procedure for Requests:
 - 1. A person requesting information in conformance with the Open Records Law will be provided with a Request for Information Form.
 - 2. The requester will complete the form and present it to administrative/clerk personnel. Administrative/clerk personnel will ensure that all required information is completed. The date, time and initials of the personnel receiving the request shall be entered on the form. The requester shall be advised that the request will be processed in collaboration with the Open Records Officer and that the requester will be notified within five (5) business days of the disposition of the request.
 - 3. Administrative/clerk personnel shall attempt to locate the requested information and attach it to the original of the Request for Information Form and submit the form and information to the Chief of Police, or his designee, for review.
 - 4. The Chief of Police, or his designee, shall review the request, the requested information, and ensure that all requested information has been located, if available.
 - 5. The Chief of Police, or his designee, will insure that the request is entered into a log, make the appropriate notations on the request form, and ensure that the request will be complied with. In the event that a request is to be denied, in whole or in part, the Open Records Officer, shall notify the requester in writing, as required by statute.
 - 6. In the event that the request is approved, administrative/clerk personnel shall contact the requester and advise the requester that the information is available for release.
 - 7. No report or document shall be released pursuant to this General Order without the applicable fee having been conveyed to the Township.