

GREENSBURG SALEM SCHOOL DISTRICT

REQUEST FOR PUBLIC RECORDS

000 LOCAL BOARD PROCEDURES

CODE: 010

SECTION 1. PURPOSE

The Board recognizes the importance of public records as the record of the District's actions and the repository of information about the District. The public has the right to access and procure copies of public records, with certain exceptions, subject to law, Board policy, and administrative regulations. The Board also recognizes its obligation to maintain the confidentiality of student records and personnel records in accordance with law. This document certifies the Board's intent to comply with the requirements of the law and to establish policy and administrative regulations for access to these public records.

SECTION 2. DEFINITIONS

The following definitions apply:

Financial Record

- a. any account, voucher or contract dealing with the receipt or disbursement of funds or the acquisition, use or disposal of services, supplies, materials, equipment or property.
- b. the salary or other payments or expenses paid to an officer or employee of the District, including the individual's name and title.
- c. a financial audit report excluding the audit's underlying work papers.

Public Record

A record, including a financial record that is not protected by a defined privilege or is not exempt from being disclosed under one of the exemptions in the Pennsylvania's Right-to-Know Law or under other state or federal law or regulation or judicial decree or order.

Record

Any recorded information, regardless of physical form or characteristics, that documents a transaction or activity of the District and that is created, received

or retained pursuant to law or in connection with a transaction, business or activity of the District. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically, and any data-process or image-processed document.

Response

Granting access to a record or the District's written notice to a requester granting, denying, partially granting, or partially denying access to a requested record.

Requester

A legal resident of the United States, or any agency, who requests access to a public record.

SECTION 3. AUTHORITY

The Board shall make the District's public records available for access, inspection and duplication to a resident or agency requester in accordance with the law, Board Policy and administrative regulations.

SECTION 4. DELEGATION OF RESPONSIBILITY

The Board shall designate a District Administrative Office employee as the District's Open Records Officer. This Officer shall be responsible to:

- a. Receive written requests for access to records submitted to the District.
- b. Review and respond to written requests in accordance with law, Board Policy and administrative regulations.
- c. Direct requests to appropriate individuals within the District or in another agency.
- d. Track the District's progress in responding to requests.
- e. Issue interim and final responses to submitted requests.
- f. Maintain a log of all record requests and their disposition.

- g. Ensure District staff is trained to perform job functions relative to requests for access to records.

Upon receiving a request for access to a record, the Open Records Officer shall:

- a. Note the date of receipt of the written request.
- b. Compute and note on the written request the day and date on which the five-day period for response will expire.
- c. Maintain an electronic or paper copy of the written request, including all documents submitted with the request, until the request has been fulfilled.
- d. If the request is denied, maintain the written request for thirty (30) days, or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied.

SECTION 5. GUIDELINES

Requesters may access and procure copies of public records of the District during regular business hours of the District offices.

A requester’s right of access does not include the right to remove a record from the control or supervision of the Open Records Officer.

The District shall not limit the number of records that can be requested.

When responding to a request for access, the District is not required to create a record when one does not exist or to compile, maintain, format or organize a record in a manner which the District does not currently use.

Information shall be made available to individuals with disabilities in an appropriate format, upon request and with sufficient advance notice.

A. NOTICE

The District shall post the following information at the District Office and on the District web site:

1. Contact information for the Open Records Officer.
2. Contact information for Pennsylvania's Office of Open Records.
3. The form to be used to file a request.
4. Copies of this policy and any administrative regulations and procedures governing requests for access to the District's public records.

B. REQUEST FOR ACCESS

A written request for access to a public record shall be submitted on the required form and addressed to the District's Open Records Officer.

Written requests may be submitted to the District in person, by U.S. mail, to a designated facsimile machine or to a designated email address. The designated facsimile machine and email address will be determined by the Open Records Officer and posted as part of the notice reference above.

Each request must contain the following information:

1. Identification or description of the requested record, in sufficient detail.
2. Medium in which the record is requested.
3. Name and address of the person to receive the District's response.

The District shall not require an explanation of the reason for the request or the intended use of the requested record, unless otherwise required by law.

C. RESPONSE TO REQUEST

If the Open Records Officer determines that an extension of time is required to respond to a request, in accordance with the factors stated in law, written notice shall be sent within five (5) business days of the receipt of the request. The notice shall indicate that the request for access is being reviewed, the reason that the review requires an extension, a reasonable

date when the response is expected, and an estimate of the applicable fees owed when the record becomes available.

Up to a thirty (30) day extension for valid reasons does not require the consent of the requester. If the response is not given by the specified date, it shall be deemed denied on the day following that date.

A request may consent in writing to an extension that exceeds thirty (30) days, in which case the request shall be deemed denied on the day following the date specified in the notice if the Open Records Officer has not provided a response by that date.

If the requester agrees to the date extension, the request shall be deemed denied on the day following the date specified in the notice if the District has not provided a response by that date.

D. GRANTING OF REQUEST

If the Open Records Officer determines that the request will be granted, the response shall inform the requester that access is granted and either include information as to the regular business hours of the District Office or state where the requester may go to inspect the records electronically at a publicly accessible site. The response shall also include the fee schedule in effect, a statement that prepayment of fees is required in a specific amount if access to the records will cost in excess of \$100.00, and the medium in which the records will be provided.

A public record shall be provided to the requester in the medium requested if it exists in that form; otherwise, it shall be provided in its existing medium. However, the District will not be required to permit use of its computers.

The Open Records Officer may respond to a records request by notifying the requester that the record is available through publicly accessible electronic means or that the District shall provide access to inspect the record electronically. If the requester, within thirty (30) days following the receipt of the District's notice, submits a written request to have the record converted to paper, the District shall provide access in printed form within five (5) days of the request for conversion to paper.

A public record that the District does not possess but is possessed by a third party with whom the District has contracted to perform a

governmental function and which directly relates to that governmental function shall be considered a public record of the District.

If the Open Records Officer determines that a public record contains information both subject to and not subject to access, he shall grant access to the information subject to access and deny access to the information that is not subject to access. The Open Records Officer will redact from the record the information that is not subject to access. The Open Records Officer shall not deny access to the record if information is able to be redacted.

If the Open Records Officer responds to the requester that a copy of the requested record is available for delivery at the District Office, and the requester does not retrieve the record within sixty (60) days of the District's response, the District shall dispose of the copy and retain any fees paid to date.

E. NOTIFICATION TO THIRD PARTIES

When the District provides, in response to a request, a record that is not a public record generated by the District, the Open Records Officer shall notify any third party that provided the record to the District, the person that is the subject of the record, and the requester.

The Open Records Officer shall notify a third party of a record request if the requested record contains a trade secret or confidential proprietary information, in accordance with laws and regulations.

F. DENIAL OF REQUEST

If the Open Records Officer denies a request for access to public record, whether in whole or in part, a written response will be sent within five (5) business days of the receipt of the request. The response denying the request shall include the following:

1. Description of the requested record.
2. Specific reasons for the denial, including citation of the supporting authority.

3. Name, title, business address, business telephone number and signature of the Open Records Office on whose authority the denial was issued.
5. Date of response.
6. Procedure for the requester to appeal a denial of access.

The Open Records Officer may deny a request for access to a record if the requester has made repeated requests for the same record and the repeated requests have placed an unreasonable burden on the District.

The Open Records Officer may deny a request for access to a record when timely access is not possible due to a disaster or when access may cause physical damage or irreparable harm to the record. To the extent possible a record's contents shall be made accessible even when the record is physically unavailable.

Information that is not subject to access and is redacted from a public record shall be deemed a denial.

H. FEES

The District shall establish and keep current a list of reasonable fees relative to requests for public records.

No fees may be imposed for review of a record to determine whether the record is subject to access under the law.

Prior to granting access, the District may require prepayment of estimated fees when the fees required to fill the request are expected to exceed \$100.00.

The Open Records Officer, with the approval of the Superintendent, will research, determine and establish a set fee for each of the following categories, based upon limitations specified for each in law. The specific fee charged will be listed and made available as a list of fees to all requesters of access to public records.

Postage: Actual cost of mailing.

Photocopying: \$0.25 per page.

Printing copy of a non-paper record: \$0.25 per page

Electronic copy of a record: Electronic copies will be provided by means of a computer disk. For transfer of an electronic record to a computer disk, the fees is the cost of the disk plus \$20.00 per hour with a minimum charge of \$20.00.

Redaction: If redaction is required before the record can be accessed, the District will charge \$20.00 per hour for the time needed to complete the redaction.

The District will not transmit records via email or facsimile.

**Board Policy 010 incorporates, thereby replaces old Board Policy 100.21
Public Records**

References:

School Code – 24 P.S. Sections 408, 518

Right-to-Know Law – 65 P.S. Section 67.101 et seq.

Americans with Disabilities Act – 42 U.S.S. Section 12101 et seq.

Accessibility to Communication, Title 28 Code of Federal Regulations – 28 CFT
Sections 35.160, 35.164

**Policy Adopted: September 12, 2008
Revised: April 9, 2014**

