

**LYCOMING COUNTY
WATER AND SEWER AUTHORITY**

216 Old Cement Road • Montoursville, PA 17754 • Phone: (570) 546-8005 • Fax: (570) 546-3315
[E-mail: lcwsa@alltel.net](mailto:lcwsa@alltel.net)

OPEN RECORDS POLICY

The Lycoming County Water and Sewer Authority (LCWSA) recognizes that Pennsylvania has enacted the new Open Records Law that takes effect on January 1, 2009, to be incorporated with the current Pennsylvania's Right to Know Law/Sunshine Act. LCWSA agrees that it is necessary to incorporate a new policy and procedure in an effect to avoid misinterpretation or misrepresentation of the new Open Records Law, and that it is not the Authority's intention to act in bad faith or incur any civil penalties against them. Therefore, the following Policies and Procedures will be implemented to ensure LCWSA's compliance with the ***RIGHT-TO-KNOW LAW – ENACTMENT Act of February 14, 2008, No 3 Cl. 02.***

1. **OPEN RECORDS** - The LCWSA acknowledges that the records are presumed open and that the burden is on them to prove otherwise. The LCWSA acknowledges that the presumption of access does not apply to local agency records that are:
 - a. Protected by a privilege (i.e., attorney-client, doctor-patient);
 - b. Exempt from Disclosure under Federal or State law or Regulation or Judicial Order; or
 - c. Exempt under § 708 of the Right to Know Law.

2. **OPEN RECORDS OFFICER** - LCWSA agrees that in accordance with the law, LCWSA will appoint an "Open Records Officer."
The Open Records Officer will:
 - A. Receive requests submitted to the Authority under this act;
 1. Note the date of receipt on the written request
 2. Compute the day on which the five-day period will expire
 - B. Direct requests to the appropriate person(s);
 - C. Track the progress in responding to requests;
 - D. Maintain copies of written requests, including all submitted documentation, as well as all documentation of fulfillment of requests, denials, and appeals

3. **PROCEDURE** - Procedure for making a request for a public record is as follows:
 - A. **Request.** The requester may make a request in person, by mail, facsimile or e-mail by filling out the LCWSA Public Records Request Form (known as "Appendix A") and submitting it to "Open Records Officer" during the

regular business hours of an agency. The LCWSA may, but is not required to fulfill a verbal and/or an anonymous request.

- a. If the requester wishes to pursue the relief and remedies provided for in the *RIGHT-TO-KNOW LAW – ENACTMENT*, the requester **MUST** submit their request for public record information in writing.

B. Response. LCWSA must respond to requests with five (5) business days. A thirty (30) day extension may be granted for the following reasons:

- a. Redaction required
- b. Record in remote location
- c. Specified staff limitations
- d. Legal Review
- e. Request is not in compliance with policy
- f. Requester refuses to pay fees

C. Denials. LCWSA *may not* deny access based on the intended use of the material by the requestor. LCWSA *may* deny access if the requestor has made repeated requests for the same record, and this has placed an unreasonable burden on the agency, or if access would cause damage to historical documents.

D. Appeals. If a written request for a record is denied. The requestor may file an appeal with the Office of Open Records within fifteen (15) business days of the mailing date of the agency's response, stating the grounds upon which the requestor asserts the record is a public record. The Office of Open Records will assign an Appeals officer to review the denial and make the final determination which will be mailed to the requestor and the agency within thirty (30) days of the receipt of the filed appeal.

4. **FEES** - LCWSA recognizes the following allowable fees:

- A. **Duplication.** - Actual Cost
- B. **Postage** - Actual cost of mailing.
- C. **Complex data sets** –GIS, Property assessments – fair market value
- D. **Certification**
- E. **Conversion to Paper**
- F. **Professional Services/Outside Services** – at cost – **ONLY** as may be required for record retrieval, technical assistance for conversion, or duplication cost by an entity other the LCWSA.

Fees are listed in Appendix B and may be amended from time to time as actual costs change.

Under the *RIGHT-TO-KNOW LAW – ENACTMENT*, LCWSA also recognizes that no other fees may be imposed, there shall be no fee for legal review to

determine if the record is public, and fees may be waived at the Authority's discretion.

5. **NOTIFICATION/POSTING** - LCWSA, in accordance with the *RIGHT-TO-KNOW LAW – ENACTMENT*, will post the contact information for the Open Records Officer, the Appeals Officer, the Records Request Form, as well as any of its Open Records policies and procedures.
6. **EFFECTIVE DATE** – The Open Records Policy is effective on January 1, 2009 in accordance with *RIGHT-TO-KNOW LAW – ENACTMENT Act of February 14, 2008, No 3 Cl. 02*.

This POLICY has been reviewed and adopted by the Lycoming County Water and Sewer Authority Board of Directors on this 3rd day of DECEMBER, 2008.

(SEAL)

Mary E. Bennardi
Chairperson

Attest

Donald E. Konkle, Jr.
Secretary