

**BOROUGH OF SWARTHMORE POLICIES AND PROCEDURES FOR ACCESS TO OPEN RECORDS IN
COMPLIANCE WITH THE PENNSYLVANIA OPEN RECORDS ACT, AS AMENDED IN 2008
(ADOPTED BY BOROUGH COUNCIL BY RESOLUTION DATED NOVEMBER 10, 2008)**

All requests for access to public records of the Borough shall be directed to the Open Records Officer on a form promulgated by the Pennsylvania Office of Open Records. The Open Records Officer shall receive requests submitted to the Borough, direct requests to other appropriate persons within the Borough or to appropriate persons in another agency, track the Borough's progress in responding to requests and issue interim and final responses under the Act.

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

- Note the date of receipt on the written request.
- Compute the day on which the five-day period will expire and make a notation of that date on the written request.
- Maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been fulfilled. If the request is denied, the written request shall be maintained for 30 days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied.
- 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

All requests for public records of the Borough under this policy shall be specific in identifying and describing each and every public record requested. In no case shall the Borough be required to create a public record which does not exist or to compile, maintain, format, or organize the public record. All requests for public records shall be submitted in writing on a form provided by the Borough and include the date of the request, requestor's name, address, telephone number, signature of the requestor, and, if duplication is required, appropriate payment.

When a request is received for access to public records, the Open Records Officer shall make a determination within five (5) business days of receipt of the request, to grant or deny the request, or to partially grant and partially deny the request. Alternatively, the Open Records Officer may decide that additional time is required if, after receiving a request for access to public records, the Open Records Officer determines any of the following circumstances exist:

- The request for access requires redaction of a public record;
- The request for access requires retrieval of a record stored in a remote location;
- A timely response to the request for access cannot be accomplished due to bona fide and specified staff limitations;
- A legal review of the request is necessary to determine whether the record is a public record subject to access under the Act;
- The person or entity requesting access to the public record has not complied with the Borough's policies regarding access to public records; or
- The person requesting access to the record refuses to pay applicable fees as contained herein.

The person or entity requesting access to the public record shall be informed in writing as to the specific reason that their request is being reviewed within the original five (5) business day period. The notice shall include a statement notifying the requestor that the request is being reviewed, the reason for review, a reasonable date that a response is expected to be provided and an estimate of applicable fees owed when the record becomes available. The review must be completed, and a final determination made, within thirty (30) days following the date the request was made. If the date a response is expected to be provided is in excess of 30 days, the request for access shall be deemed denied unless the requestor has agreed in writing to an extension to the date specified in the notice. If the requestor agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice where the agency has not provided a response by that date.

If a request for access to public records is denied, the person or entity requesting the information shall be notified in writing of the Open Records Officer's decision within the applicable five (5) business day or thirty (30) business day period. Denials must be in writing, accompanied by a description of the record, the reason for denial including citation to the legal authority and contact information for the Borough's Open Records Officer, date of response and procedures for appeal. The denial must be signed by the Open Records Officer. Appeals from a denial may be made within fifteen (15) days to the Pennsylvania Office of Open Records

Copying fees will be charged in accordance with the rates approved by the Pennsylvania Office of Open Records. If the estimated cost of duplication of a public record is expected to exceed One Hundred Dollars (\$100.00), the Borough may require the person or entity requesting the record to prepay the estimated fees authorized by this policy, prior to providing access to the public record. Access to the records requested shall be postponed until prepayment is received.