

RESOLUTION

WHEREAS, Act 60 of 2007 (the Act), effective January 1, 2009, requires that the City of Chester establish written policies necessary to provide for access to public records of the City of Chester consistent with the Act.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:

That it does hereby adopts the following as the City of Chester's policy for access to public records:

POLICY FOR ACCESS TO PUBLIC RECORDS

Section 1. The City Clerk is hereby appointed to be the Open Records Officer of the City of Chester, effective immediately. All requests for access to public records of the City of Chester shall be directed to the Open Records Officer, City Hall, 1 Fourth Street, Chester, PA, 19013

The Open Records Officer shall:

- A. Receive requests submitted to the City, gather all records necessary to respond to requests, direct requests to other appropriate persons within the City or to appropriate persons in other agencies, track the City's progress in responding to requests and to issue interim and final responses under the Act.
- B. Upon receiving a request for a public record:
 - (i) Note the date of receipt on each written request.
 - (ii) Compute the day on which the five-day period will expire and make a notation of that date on the written request.
 - (iii) Maintain an electronic or paper copy of each 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 has been filed, until a final determination is issued or the appeal is deemed denied.
 - (iv) Create a file for the retention of the original request, a copy of the response, a record of written communications with the requestor and a copy of other communications.
- C. The Open Records Officer may designate certain other employees to process public records requests.

Section 2. All requests for access to public records of the City under this policy shall be specific in identifying and describing each and every public record requested. In no case shall the City 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 record shall be submitted in writing and include the date of the request, the requestor's name, address, telephone number and, if duplication is required, the appropriate payment for the cost,

Section 3. 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:

- A. The request for access requires redaction of the record;
- B. The request for access requires retrieval of a record stored in a remote location;
- C. A timely response to the request for access cannot be accomplished due to bona fide and specified staff limitations;
- D. A legal review of the request is necessary to determine whether the record is a public record subject to access under the Act;
- E. The person or entity requesting access to the public record has not complied with the City's policies regarding access to public records; or
- F. The person requesting access to the record fails 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 thirty (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 City has not provide a timely response.

Section 4. 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 City's Open Records Officer, date of response and procedure for appeal. The denial must be signed by the Open Records Officer.

Appeals from a denial must be made within fifteen (15) days to the Pennsylvania Office of Open Records, Commonwealth Keystone Building, 400 North Street Plaza Level, Harrisburg, PA 17120-0225 (telephone 717-346-9903).

Section 5. The fees for producing public records shall be as follows:

Photocopy: 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.

Twenty-five cents a page

Certification of a Record.

One Dollar per record.
Does not include notarization fees.

Specialized documents. For example, but not limited to, blue prints, non-standard sized documents, color copies.

Actual cost.

Facsimile/Microfiche/Other Media.

Actual cost.

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 requestor specifically requests for duplication in the more expensive medium.

Postage Fees.

Actual Cost of Mailing

Section 6. If the estimate of the fees authorized under this policy for any one request are expected to exceed One Hundred Dollars (\$100.00), The Open Records Officer may require the requestor to prepay the estimated fees prior to provided access to the public record. Access to the record shall not be provided until prepayment is received.