Right to Know Policy and Procedure

Revised: January 2025

Public Access to Information

Columbia County Conservation District

I. GENERAL

This policy establishes the Columbia County Conservation District's procedures for meeting its obligations under the Pennsylvania Right to Know Law, which was revised in 2008. It applies to all requests for "public records." This document establishes the framework within which the district will exercise its administrative discretion in the future. The district recognizes the value of making information available to the public, and is committed to continually improving public access to public information and fostering public participation in the decision-making process.

The Office of Open Records may promulgate regulations setting forth different or additional requirements and procedures, and these should be consulted.

A. Open Records Officer

The District has designated the following person who shall serve as its Open Records Officer. All requests for public records are administered by the Open Records Officer. Requests should be directed to the Open Records Officer at the following address:

Name: Beth Marie Gensemer, Administrative Coordinator, RTK Officer
Abby E. Frey, District Manager, Alternate

Address: 702 Sawmill Road, Suite 103, Bloomsburg, PA 17815

Phone: 570.317.9456

Fax: 570.784.3247

Email: beth.gensemer@columbiaccd.org
abby.frey@columbiaccd.org

B. **Requests for Public Records**

All Right to Know Law requests must be received by the District's Open Records Officer. A requester may make, and the Conservation district may fulfill, verbal or written (including email or fax) requests for access to records under this policy. ***No anonymous requests will be fulfilled*.** If the requester wishes to pursue the relief and

remedies provided for under the Pennsylvania Right to Know Law (i.e. pursue an appeal of a denial), the request must be in writing.

Requests must describe the records sought with sufficient specificity to enable the District to ascertain which records are being requested. The request must include the name and address to which the response is to be sent.

If the District receives a request for a public record that is not in the possession of the district, the Open Records Officer will: 1) notify the requester that they do not possess the record requested; 2) direct the request to appropriate persons in another agency.

C. **Classification of Records**

Public Records

"Public records" are defined as

1. Information 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,
2. **Except** where a record meets any of the following:
   a. it falls into one the exemptions under the RTK law,
   b. access is restricted under any state or federal law or regulation or
   c. it is protected by a legal privilege, such as attorney-client privilege.

Records Exempt from being Public Records

Under the law some types of records are not available to the public. In this category are personal notes, computer security information, draft minutes, notes from an executive session, confidential proprietary information or trade secrets, medical information, personal identifiers, employee records, labor relations, criminal and non-criminal investigative records, non-real estate tax records, driver records, attorney-client communications, or records that if disclosed could jeopardize state or federal funds. This is a partial list of the exempted records. For a complete list the requester may request a copy of Section 708 of the Right to Know Law from the District. The District will assume that the requester is not asking for these types of records unless specifically requested. In most cases, these exempted records will not be provided.

D. Procedures for Reviewing Requests for Public Records

Operating Procedures

The District's Open Records Officer will ensure that the Operating Procedures described in Section II of this Policy are followed.

Reviewing Records

Following the submittal of a request the district will make every effort to fulfill the request within **five business days** of receipt by the District's Open Records Officer. This

may include notifying the requestor that the records will be made available for review and copying at the District.

If the request cannot be fulfilled in five business days, the District's Open Records Officer will send written notice, including email, to the requester stating the reason(s) why additional time is needed, when the office expects to be able to fulfill the request, and any fees that may be required. See Operating Procedures, Section II.

If the District's Open Records Officer believes that a record contains confidential proprietary information or trade secrets, the Officer will notify the third party that provided the information of the request, within five days of the request. The third party will then have five days from receipt of the notice to provide input on the release of the record. The Officer will decide whether the information qualifies as confidential proprietary information or trade secrets within ten days after that third party has received the notice.

E. Denial of request for Public Records

If an agency's response is a denial of a written request for access, whether in whole or in part, the denial shall be issued in writing and shall include:

1. A description of the record requested
2. The specific reasons for the denial, including a citation of supporting legal authority.
3. The printed name, title, business address, business phone number, and signature of the open records officer on whose authority the denial is issued.
4. Date of the response
5. The procedure to appeal the denial

F. Access to Records

The District may respond by notifying the requestor that a record is available through publicly-accessible electronic means such as the District's website, or another agency's website. The District may also provide the records electronically.

The District may also choose to make the records available for review and copying at the District. However, the District's copying facilities are limited. No records may be removed from the district offices except by district staff. If the district is unable to send the requested documents to the requestor, in house arrangements will be made to have them duplicated. Copying and other fees are listed in Appendix A.

II. OPERATING PROCEDURES

A. *Within 5 business days of receipt of written request by the District Open Records Officer:*

1. Immediately upon receipt of a request the District Open Records Officer will date the request, record the request, compute the day that the five-day response expires and make a notation of that date on the request.
2. The district will do a thorough search for the records requested and determine whether they are public records as provided in the Right to Know Law.
3. For records involving programs delegated to or contracted with the district by DEP, the State Conservation Commission or other agency, the District will confer with the State Conservation Commission, DEP or other agency as needed. The District will also confer with District legal counsel as needed (DEP or Department of Agriculture legal counsel (or the county solicitor where appropriate)).
4. The District Open Records Officer reviews, signs, provides and logs response. **A response will be sent within 5 business days of receiving any written request**.
    - The response can be information about how and when the requestor can visit the District to view the records.
    - The response can include information that the requested materials are available upon payment of applicable fees.
    - The response can be a denial of the request in whole or in part; any denials will specify:
        i. A description of the record requested
        ii. The specific reasons for the denial, including a citation of supporting legal authority
        iii. The printed name, title, business address, business phone number, and signature of the open records officer on whose authority the denial is issued
        iv. Date of the response
        v. The procedure to appeal the denial
    - The response may be a statement that the Open Records Officer will be taking additional time (not exceeding 30 calendar days) to respond, if one or more of the following reasons applies:
        i. Removal of confidential proprietary (or otherwise restricted) information
        ii. Records are at a remote location
        iii. Specified staffing limitations prevent a timely response
        iv. Legal review is required
        v. Requester is not complying with the district's policies, including failure to pay fees
        vi. The extent or nature of the request precludes a response within the required time period.

B. *After (if) the District Open Records Officer responds that some or all of records requested are available:*

1. The Open Records Officer provides access to the records as arranged with the requestor.
2. If records are electronic, Open Records Officer arranges for computer viewing, duplication or the District may respond by notifying the requestor that a record is available through publicly-accessible electronic means such as the District's website, or another agency's website.
3. If the District will make copies, and if copying costs exceed $100, Open Records Officer collects costs before copying and logs payment; upon delivery of copies, Open Records Officer collects any unpaid fees and logs payment.
4. If the requester fails to retrieve the requested records within 60 days of the districts response the district may dispose of any copies which have not been retrieved and retain any fees paid to date.

III. APPEALS

A. Appealing the District's Response

The Right to Know Law provides an appeal process through the Office of Open Records. Here is a summary of that process:

1. File an appeal. If a requestor wishes to dispute the district's denial, the requester must send his or her reasons to the Office of Open Records at Office of Open Records, ATTN: Janelle Sostar, Officer, 333 Market St., 16th Floor, Harrisburg, PA 17101. The reasons for the dispute must be mailed within 15 business days of the mailing date indicated on the district's response, or if no response is provided then within 15 days of the date the request is deemed to be denied.

The requestor's dispute letter must state the grounds upon which the requester asserts that the record is a public record and shall address any grounds stated by the district for delaying or denying the request.

2. Appeal Process. Unless the requestor agrees otherwise to the timing, the appeals officer will make a final determination within 30 calendar days of the date the dispute letter is mailed. Prior to issuing its determination, the appeals officer may, at its discretion, conduct a hearing. The appeals officer will provide a written explanation of the reason for the decision to the requester and the District. If the appeals officer fails to issue a final determination within 30 days, the appeal is deemed denied.

Appendix A

FEE STRUCTURE
COLUMBIA COUNTY CONSERVATION DISTRICT

Please see
https://www.openrecords.pa.gov/RTKL/FeeStructure.cfm

The Columbia County Conservation District uses the Pennsylvania Office of Open Records fee schedule

Additional Notes from PA office of Open Records:

- **Fees May Be Waived:** All fees established herein may be waived at the discretion of the agency.
- **Medium Requested:** A record being provided to a requester shall be provided in the medium requested if it exists in that medium; otherwise, it shall be provided in the medium in which it exists. *See § 701*.
- **Other Statutory Fees:** If a statute other than the RTKL governs the amount an agency may charge for a certain type of record, the other statute controls. For example, a Recorder of Deeds may charge a copy fee of 50 cents per uncertified page and $1.50 per certified page (42 P.S. § 21051). Police departments may charge up to $15 for a copy of a vehicle accident report (75 Pa.C.S. §3751 (b)(2)); the Philadelphia Police Department may charge up to $25 per copy (Id. at (b)(3)). State police are authorized to charge "$5 for each copy of the Pennsylvania State Police full report of investigation." (75 Pa.C.S. §1956(b)). Other examples include the History Code, the Municipalities Planning Code, and the Criminal History Record Information Act.
- **Inspection of Redacted Records:** If a requester wishes to inspect, rather than receive copies of, records which contain both public and non-public information, the agency may redact the non-public information. An agency may not charge the requester for the redaction itself. However, if an agency is unable to securely redact the records by electronic means, the agency may charge (in accordance with the OOR's Official Fee Schedule) for any copies it must make in order to securely redact the material before allowing the requester to view the records. If, after inspecting the records, the requester chooses to obtain the copies, no additional fee may be charged.
- **Enhanced Electronic Access:** If an agency offers enhanced electronic access to records in addition to making the records accessible for inspection and duplication by a requester, the agency may establish user fees specifically for the provision of the enhanced electronic access. The user fees for enhanced electronic access may be a flat rate, a subscription fee for a period of time, a per-transaction fee, a fee based on the cumulative time of system access, or any other reasonable method and any combination thereof. Such fees shall not be established with the intent or effect of excluding persons from access to records or duplicates thereof or of creating profit for the agency. **NOTE: Fees for enhanced electronic access must be**

reasonable and must be pre-approved by the OOR. Please submit enhanced electronic access fee requests to the OOR.

- **Fee Limitations:** Except as otherwise provided by statute, the RTKL states that no other fees may be imposed unless the agency necessarily incurs costs for complying with the request, and such fees must be reasonable. No fee may be imposed for an agency's review of a record to determine whether the record is a public record subject to access under the RTKL. No fee may be charged for searching for or retrieval of documents. An agency may not charge staff time or salary for complying with a RTK request. No fee may be charged for an agency's response letter.
- **Prepayment:** Prior to granting a request for access in accordance with the RTKL, an agency may require a requester to prepay an estimate of the fees authorized under this section if the fees required to fulfill the request are expected to exceed $100. Once the request is fulfilled and prepared for release, the OOR recommends that the agency obtain payment prior to releasing the records.
- **Questions:** If you have any questions regarding the OOR's Official Fee Schedule, please contact the OOR.