

NORWIN SCHOOL DISTRICT

Policy No.: 813

Section: OPERATIONS

Title: PUBLIC RECORDS

Adopted: December 8, 2008

CITATION	POLICY
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813. PUBLIC RECORDS

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 this 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.

65 P.S.
Sec. 67.102

Section 2. Definitions

For the purposes of this policy, the terms set forth below shall have the following meanings:

“Business day” shall mean a calendar day in which the administrative office of the district is open for business and does not include any school day where the administrative offices are closed due to inclement weather, holidays or emergencies.

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

“Public Record” shall mean 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 Pennsylvania's Right-to-Know Law or under other federal or state law or regulation, or judicial decree or order.

“Record” shall mean information, regardless of physical form or characteristics, that documents a district transaction or activity and is created, received or retained pursuant to law or in connection with a district transaction, business or activity, including: a document; paper; letter; map; book; tape; photograph; film or sound recording; information stored or maintained electronically; and a data-processed or image-processed document.

“Requester” shall mean a legal resident of the United States, or an agency, who requests access to a record.

“Response” the district’s notice informing a requester of a granting of access to a record or the district’s written notice to a requester granting, denying, or partially granting and partially denying access to a requested record.

65 P.S.
Sec. 67.302,
67.305,
67.504,
67.701

Section 3. Authority

The Board shall make the district's public records available for access and duplication to a requester, in accordance with law, Board policy and administrative regulations.

65 P.S.
Sec. 67.502

Section 4. Delegation of Responsibility

The Board shall designate an Open Records Officer, who shall be responsible to:

1. Receive written requests for access to records submitted to the district.
2. Review and respond to written requests in accordance with law, Board policy and administrative regulations.
3. Direct requests to other appropriate individuals in the district or in another agency.
4. Track the district’s progress in responding to requests.
5. Issue interim and final responses to submitted requests.
6. Maintain a log of all record requests and their disposition.
7. Ensure district staff is trained to perform assigned job functions relative to requests for access to records.

65 P.S.
Sec. 67.502
67.901, 67.1101

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

1. Note the date on which the written request was received by the school district.
2. Compute and note on the written request the day on which the five-day business period for the district’s response will expire. For purposes of this computation, the first business date shall be the first business day following the day of receipt.
3. Maintain an electronic or paper copy of the written request, including all documents submitted with the request, at least until the request has been fulfilled.
4. If the written request is denied, in full or in part, maintain the written request for at least thirty (30) days or, if an appeal is filed to challenge the denial, until a

final determination is issued regarding the appeal.

Section 5. Guidelines

65 P.S.
Sec. 67.701

Requesters may access and procure copies of the public records of the district during the regular business hours of the administration office.

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.

65 P.S.
Sec. 67.302

The district shall not limit the number of records requested.

65 P.S.
Sec. 67.705

When responding to a request for access, the district is not required to create a record that does not exist nor to compile, maintain, format or organize a record in a manner which the district does not currently use.

42 U.S.C.
Sec. 12132
28 CFR
Sec. 35.160,
35.164

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

65 P.S.
Sec. 67.504,
67.505

The district shall post the following information at the administration office and on the district's web site:

1. Contact information for the Open Records Officer.
2. Contact information for the state's Office of Open Records or other applicable appeals officer.
3. The form to be used to file a request, with a notation that the state Office of Open Records form may also be used if the district decides to create its own form.
4. Board policy, administrative regulations and procedures governing requests for access to the district's public records.

Request For Access

65 P.S.
Sec. 67.504,
67.505, 67.703

Any requester seeking access to or duplication of a public record must submit a written request addressed to the Open Records Officer. All district employees are directed to forward written requests for access to public records to the Open Records Officer, if they are inadvertently directed to them.

65 P.S.
Sec. 67.701,
67.703

A requester must complete the Right-to-Know Request Form created by either the district or the State Office of Open Records when submitting a written request. Copies of the district's form may be obtained on the district's official website. The

written request must identify or describe the public record sought with sufficient specificity to allow the Open Records Officer to determine which record is being requested, and the name and address to which the district should send its response.

The district may, in its sole discretion, honor verbal requests for public records in cases where access can be allowed immediately. However, a verbal request shall not be considered an official request requiring a district response under this policy.

Any requester may submit a written request to the Open Records Officer using one of the prescribed Right-to-Know Request Forms in the following manner:

In person: At the district administrative office, Norwin School District, 281 McMahon Drive, North Huntingdon, PA 15642 on any business day during the regular business hours.

By regular mail: Sent to the attention of the Open Records Officer at the district administrative offices at Norwin School District, 281 McMahon Drive, North Huntingdon, PA 15642.

By facsimile: Sent to the attention of the Open Records Officer at the following facsimile number, 724-863-9467. A written request sent via facsimile will not be considered submitted until a complete and legible copy of the facsimile is received by the Open Records Officer.

By e-mail: Sent to the attention of Open Records Officer at **businessmanager@norwinsd.org**. An e-mail will not be considered submitted until a complete accessible copy of that e-mail is received by the Open Records Officer.

The district reserves the right to deny a requester access to a public record if the requester has made repeated requests for the same record, the record has already been provided to the requester and the repeated requests have placed an unreasonable burden on the district.

65 P.S.
Sec. 67.703

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.

Fees

65 P.S.
Sec. 67.1307

The Board shall approve and the district shall keep current a list of reasonable fees relative to requests for public records.

65 P.S.
Sec. 67.1307

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

65 P.S.
Sec. 67.1307

Prior to granting access, the district may require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed one hundred dollars (\$100.00).

65 P.S.
Sec. 67.1307 The Superintendent may waive duplication fees when the requester duplicates the record or the Superintendent deems it is in the public interest to do so.

Response To Written Request

65 P.S.
Sec. 67.901 Upon receipt of a written request for access to a record, the Open Records Officer shall determine if the requested record is a public record and if the district has possession, custody or control of that record.

65 P.S.
Sec. 67.901 The Open Records Officer shall respond as promptly as possible under the existing circumstances, and the initial response time shall not exceed five (5) business days.

The initial response shall grant access to the requested record; deny access to the requested record; partially grant and partially deny access to the requested record; notify the requester of the need for an extension of time to fully respond.

65 P.S.
Sec. 67.901 If the district fails to respond to a request within five (5) business days of receipt, the request for access shall be deemed denied.

Extension Of Time

65 P.S.
Sec. 67.901,
67.902 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 receipt of 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 applicable fees owed when the record becomes available.

Up to a thirty (30) day extension for one (1) of the reasons listed below 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.

1. the requested record requires redaction;
2. the request requires the district to retrieve records that are stored in a remote location
3. the district cannot timely respond due to bona fide and specified staffing limitations;
4. a legal review is necessary to determine if the record is a public record;
5. the request does not comply with the district policies regarding access to records;
6. the requester has failed to pay applicable fees; or
7. the extent or nature of the request precludes a response within the required time period.

A requester 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.

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 on the regular business hours of the administration office, provide electronic access, or state where the requester may go to inspect the records or information electronically at a publicly accessible site. The response shall include a copy of the fee schedule in effect, a statement that prepayment of fees is required in a specified amount if access to the records will cost in excess of one hundred dollars (\$100.00), and the medium in which the records will be provided.

65 P.S.
Sec. 67.701

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 is not required to permit use of its computers.

65 P.S.
Sec. 67.701,
67.704

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 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) business days of receipt of the request for conversion to paper.

65 P.S.
Sec. 67.506

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. When the district contracts with such a third party, the district shall require the contractor to agree in writing to comply with requests for such records and to provide the district with the requested record in a timely manner to allow the district to comply with law.

65 P.S.
Sec. 67.706

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

65 P.S.
Sec. 67.905

If the Open Records Officer responds to a requester that a copy of the requested record is available for delivery at the administration 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.

Notification To Third Parties

65 P.S.
Sec. 67.707 When the district produces a record that is not a public record in response to a request, 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.

65 P.S.
Sec. 67.707 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 law and administrative regulations.

Denial Of Request

65 P.S.
Sec. 67.901,
67.903 If the Open Records Officer denies a request for access to a record, whether in whole or in part, a written response shall be sent within five (5) business days of receipt of the decision that all or part of the record is not a public record. The response denying the request shall include the following:

1. Description of the record requested.
2. Specific reasons for denial, including a citation of supporting legal authority.
3. Name, title, business address, business telephone number, and signature of the Open Records Officer on whose authority the denial is issued.
4. Date of the response.
5. Procedure for the requester to appeal a denial of access.

65 P.S.
Sec. 67.506 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.

65 P.S.
Sec. 67.706,
67.903 Information that is not subject to access and is redacted from a public record shall be deemed a denial.

65 P.S.
Sec. 67.1101 If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the state's Office of Open Records within fifteen (15) business days of the mailing date of the Open Records Officer's response or deemed denial.

The Superintendent shall direct the development of procedures for accessing public records.