BOROUGH OF WEST READING
RESOLUTION 2024-16

A RESOLUTION OF THE BOROUGH OF WEST READING, BERKS COUNTY, PENNSYLVANIA ESTABLISHING POLICIES TO FACILITATE REQUESTS FOR PUBLIC RECORDS OF THE BOROUGH OF WEST READING, THE MANNER IN WHICH RECORDS SHALL BE DISSEMINATED, THE MANNER IN WHICH DECISIONS SHALL BE MADE CONCERNING DISSEMINATION OF PUBLIC RECORDS AND ESTABLISHING A FEE SCHEDULE FOR DUPLICATION AND CERTIFICATION OF PUBLIC RECORDS OF THE BOROUGH OF WEST READING.

WHEREAS, Senate Bill No. 1 (Act 3) was signed into law by Governor Edward G. Rendell on February 14, 2008. This legislation is effective January 1, 2009 and is called the "Right-to-Know Law"; and

WHEREAS, public records shall be accessible for inspection and duplication during regular business hours in the medium requested, if said public records exist in the requested medium and if the public records are not exempt and/or privileged pursuant to the Right-to-Know Law; and

WHEREAS, requests for public records from the Borough of West Reading ("Borough") shall be governed by this Resolution and the aforementioned Pennsylvania Right-to-Know Law.

NOW THEREFORE, be it resolved by the Council of the Borough of West Reading that the following rules regarding public records are adopted:

SECTION 1. **INFORMATION REQUEST FORM**

A requester of records shall complete an information request form provided by the Office of Open Records and/or the Borough. The Borough will not respond to verbal or anonymous requests. Each request must include (1) the name and address of the person making the request and (2) identify or describe the records sought with sufficient specificity to ascertain which records are being requested.

SECTION 2. **OPEN RECORDS OFFICER**

The Borough hereby designates the Borough Manager/Secretary as the Open Records Officer in accordance with the Pennsylvania Right-to-Know Law and said Open Records Officer shall receive requests submitted to the Borough under the Right-to-Know Law, 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.

SECTION 3. **ACCESS REQUESTS**

If a requested record contains both public record information as well as non-public record information, the Borough may redact the non-public record information from the record.

SECTION 4. **ACCESS; TIME FOR RESPONSE EXCEPTIONS**

Upon receipt of a written request for access to a public record, the Borough shall make a good faith effort to respond as promptly as possible under the circumstances existing at the time

of the request. The response shall not exceed five (5) business days from the date of the written request. The failure of the Borough to respond in the designated time frame shall be deemed a denial of the request unless one of the following exceptions applies:

1. The request requires the redaction of information within a public record.
2. The request requires the retrieval of the document from a remote location.
3. A timely response cannot be accomplished due to legitimate staffing limitations.
4. A legal review of the request is necessary to determine whether the record is a public record subject to access under the Act.
5. The person or entity requesting access to the public records has not complied with the Borough's policies regarding access to public records.
6. The person requesting access to the record refuses to pay applicable fees as contained herein.
7. The extent or nature of the request precludes a response within the required time period.

In the event of one or more of the above exceptions, the Borough shall send written notices to the requester within five (5) business days of the request stating the request is being reviewed, the reason for review and the exception that applies, the expected response date and an estimate of applicable fees owed when the record becomes available. If a response is expected more than thirty (30) days after the five-day period, the request is deemed denied unless otherwise agreed to by the requester in writing.

SECTION 5. **DENIAL OF ACCESS**

If the request is denied, the following must be included with the denial:

1. Description of the record requested.
2. Specific reasons for the denial, including a citation of supporting legal authority.
3. Typed or printed name, title, business address, business telephone number and signature of the Open Records Officer on whose authority the denial was issued.
4. Date of response.
5. Appeal procedure.

SECTION 6. **APPEAL PROCEDURE**

If the request is denied or deemed denied, the requester may file an appeal with the Office of Open Records or judicial, legislative or other appeals officer designated under the Pennsylvania Right-to-Know Law within fifteen (15) business days of the mailing date of the Borough's response or deemed denial. The appeal shall proceed in accordance with the Pennsylvania Right-to-Know Act. The appeal shall state the grounds upon which the requester asserts that the record is a public record and shall address any grounds stated by the Borough for denying or delaying the request.

SECTION 7. **FEE SCHEDULE**

The following fees shall be applicable to requests for access to public records:

1. Photocopying fees – Twenty-Five Cents ($.25) per page.

2. Certification of a public record – Two Dollars ($2.00) per record certified.

3. Copying off-site of subdivision, land development or other plans – Twenty Dollars ($20.00) plus actual cost incurred.

The Borough, in its sole discretion, may waive the fees for duplication of public records if the Borough determines that it is in the public interest to do so.

SECTION 8. **SEVERABILITY**

In the event any provision, section, sentence, clause or part of this Resolution shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, section, sentence, clause or part of this Resolution, it being the intent of the Borough that the remainder of the Resolution shall remain in full force and effect.

SECTION 9. **EFFECTIVE DATE**

This Resolution shall take effect upon enactment.

DULY ADOPTED AND APPROVED this 18th day of June 2024.

BOROUGH OF WEST READING

By: _____
Ryan Lineaweaver, Council President

Attest: Cynthia Madeira
Cynthia Madeira, Borough Secretary

Examined and approved this 18th day of June 2024.

Samantha Kaag
Samantha Kaag, Mayor