

SECTION: OPERATIONS

TITLE: PUBLIC RECORDS

ADOPTED: September 20, 1999

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WYOMING AREA SCHOOL DISTRICT

801. PUBLIC RECORDS

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.

2. Definitions 65 P.S. Sec. 67.102

Financial record - 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 - 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 - 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.

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.

Requester - a legal resident of the United States, or an agency, who requests access to a record.

<p>65 P.S. Sec. 67.302</p>	<p>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.</p> <p>The district shall not limit the number of records requested.</p>
<p>65 P.S. Sec. 67.705</p>	<p>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.</p>
<p>42 U.S.C. Sec. 12132 28 CFR Sec. 35.160, 35.164</p>	<p>Information shall be made available to individuals with disabilities in an appropriate format, upon request and with sufficient advance notice.</p>
<p>65 P.S. Sec. 67.504, 67.505</p>	<p>The district shall post at the administration office and on the district's website, if the district maintains a website, the following information:</p> <ol style="list-style-type: none"> 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. <p><u>Request For Access</u></p>
<p>65 P.S. Sec. 67.504, 67.505, 67.703</p>	<p>A written request for access to a public record shall be submitted on the required form(s) and addressed to the Open Records Officer.</p> <p>Written requests may be submitted to the district in person, by mail, to a designated facsimile machine, and to a designated email address.</p>
<p>65 P.S. Sec. 67.701, 67.703</p>	<p>Each request must include the following information:</p> <ol style="list-style-type: none"> 1. Identification or description of the requested record, in sufficient detail.

	<p>7. Facsimile transmission – if a request is made for facsimile transmission and the district chooses to provide facsimile transmission instead of personal pickup, the requester will pay \$.25 per page. (Note: Facsimile transmission is not required; the district may want to delete this section).</p>
	<p>The total sum owed shall be paid before the public record is given to the requester. If the duplication or transmission of a public record will cost one hundred dollars (\$100) or more, that fee must be paid in advance of the request being processed.</p> <p>The district, in its sole discretion, may decide to waive fees associated with the reproduction or delivery of public records if it deems it is in the public interest to do so.</p>
<p>65 P.S. Sec. 67.1307</p>	<p>No fee may be imposed for review of a record to determine whether the record is subject to access under law.</p>
<p>65 P.S. Sec. 67.1307</p>	<p>Prior to granting access, the district may require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed \$100.</p>
<p>65 P.S. Sec. 67.1307</p>	<p>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.</p>
	<p><u>Response To Request</u></p>
<p>65 P.S. Sec. 67.502, 67.702</p>	<p>District employees shall be directed to immediately forward requests for access to public records to the Open Records Officer.</p>
<p>65 P.S. Sec. 67.901</p>	<p>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.</p>
<p>65 P.S. Sec. 67.901</p>	<p>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 from the date the written request is received by the Open Records Officer.</p>
	<p>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; or request more detail from the requester to clearly identify the requested material.</p>
<p>65 P.S. Sec. 67.901</p>	<p>If the district fails to respond to a request within five (5) business days of receipt, the request for access shall be deemed denied.</p>

<p>65 P.S. Sec. 67.506</p>	<p>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.</p>
<p>65 P.S. Sec. 67.706</p>	<p>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.</p>
<p>65 P.S. Sec. 67.905</p>	<p>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.</p>
<p>65 P.S. Sec. 67.707</p>	<p><u>Notification To Third Parties</u></p> <p>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.</p>
<p>65 P.S. Sec. 67.707</p>	<p>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.</p>
<p>65 P.S. Sec. 67.901, 67.903</p>	<p><u>Denial Of Request</u></p> <p>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 request. The response denying the request shall include the following:</p> <ol style="list-style-type: none"> 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.