

RESOLUTION NO. 12-2024

A RESOLUTION AMENDING RESOLUTION 19-2002 ESTABLISHING POLICIES, PROCEDURES AND FEES FOR REQUESTS FOR INSPECTION AND DUPLICATION OF PUBLIC RECORDS.

WHEREAS, the Pennsylvania Right-to-Know Law has been rewritten by Act 3 of 2008; and

WHEREAS, Manor Township may adopt this policy pursuant to Section 504(a) of the Right-to-Know Law, 65 P.S. §§ 67.101-67.3104 (“RTKL”).

THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

Definitions:

- All of the definitions set forth in the RTKL are incorporated in this policy by reference.
- *Business day*. The regular business hours of Manor Township are Monday through Friday from 7:30am-6pm Business days exclude Saturday and Sunday and a weekday where Manor Township is closed.
- *OOOR*. Office of Open Records

Submitting a RTKL Request to Manor Township

Manor Township has designated an Open Records Officer and Assistant Officer to respond to RTKL requests. The contact information is update and found on the Manor Township website www.manortwp.org or by calling 717-397-4769 or faxing 717-397-7913 or mailing:

Manor Township
Attn: Open Records Officer
950 West Fairway Dr.
Lancaster, PA 17603

Formal Written Requests

Requests to Manor Township must be made on either the OOR’s Standard Right-to-Know Law Request Form (PDF copy can be found www.manortwp.org) or by using the OOR’s Online Form, found at <https://www.openrecords.pa.gov/RTKL/RequestForm.cfm>. We encourage requesters to use the OOR’s Online Form.

Completed copies of OOR’s Standard Right-to-Know Law Request Form may be submitted to the Manor Township Open Records Officer via email, mail, facsimile, or in person, using the contact information set forth above.

To allow Manor Township to locate responsive records and determine whether those records are public, requests for records should be specific and concise and identify as precisely as possible the records sought. Requesters should retain a copy of the request for their files, as a copy of the request may be necessary should a requester appeal Manor Township’s response.

When responding to a request for access, Manor Township shall not be required to create a public record which does not currently exist or compile, maintain, format or organize a public records in a manner in which the Township does not currently compile, maintain, format or organize the public record.

If the Township determines that a public record contains information which is subject to access, as well as information which is not subject to access, the Townships response shall grant access to the information which is subject to access and deny access to the information which is not subject to access. If the information which is not subject to access is an integral part of the public record and cannot be separated, the Township shall redact from the public record the information which is not subject to access. The Township may deny access to the public record if the information which is not subject to access is able to be redacted. Information which the Township redacts in accordance with this section shall be deemed a denial.

Upon the receipt of a written request for access to a Record; if the Township determines that one of the following applies: (a) The request for access requires redaction of a Public Record in accordance with the Act; (b) The request for access requires the retrieval of a Record stored in a remote location; (c) a timely response to the request for access cannot be accompanied due to bonafide and specified staffing limitations; (d) A legal review is necessary to determine whether the Record is a public record subject to access under this Act; (e) The Requester has not complied with the Township's policies regarding access to Public Records; and (f) The Requester refuses to pay applicable fees: Then in that event, the Township shall send written notice to the Requester within five (5) business days of the Township's receipt of the request notifying the Requester that the Request for access is being reviewed; the reason for the review; and a reasonable date that a response is expected to be provided. If the date that as response is expected to be provided is in excess of thirty (30) days following the five (5) business days, the request for access shall be deemed denied.

Requests for Manor Township records should be addressed to Manor Township's Open Records Officer. If a request is addressed to another agency's open records officer, the request will be considered misdirected and improperly filed with Manor Township.

Informal Written Requests

Manor Township may respond, in its discretion, to informal written requests (e.g., a request which does not indicate that it is seeking records under the RTKL, a request made on social media, a request made in a comment on the OOR's YouTube channel, etc.). However, such requests may not be reviewed on a daily basis and will not be processed as a request submitted under the RTKL and subject to the RTKL's deadlines and remedies.

Verbal and Anonymous Requests

Manor Township may, in its discretion, respond to verbal requests for records in as timely a manner as possible. However, requesters submitting verbal requests for records may not pursue the remedies available to a requester under the RTKL. 65 P.S. § 67.702. Requests must identify themselves in all request and may not be anonymous.

Date of Receipt

Requests will be date-stamped on the date in which they are received by Manor Township's Open Records Officer or the individual designated as Open Records Officer in their absence.

Response Period

Manor Township has five business days to respond to a request for records under the RTKL. Manor Township is permitted to take an additional 30 days to respond to any request for the reasons set forth in Section 902 of the RTKL, 65 P.S. § 67.902. If Manor Township invokes an extension, the OOR will inform the requester in writing as required by the RTKL.

The requester may agree, in writing, to extend Manor Township's response period. The requester must agree to the extension during the initial five business day response period or during an extension invoked by Manor Township.

Manor Township Response

Manor Township may grant a request in its entirety, partially grant and partially deny a request, or deny a request in its entirety. The final response of Manor Township will be in writing. Should Manor Township fail to issue a response within the applicable response period, the request is deemed denied.

Granting access to records

Manor Township may grant a request for records by issuing a response: (1) granting access to inspect Manor Township records during Manor Township's regular business hours; (2) sending copies of responsive records to the requester; and/or (3) notifying the requester that the record is available on Manor Township's website or another publicly accessible website.

Denying or partially denying access to records

Should Manor Township deny or partially deny a request for records through redaction or otherwise, Manor Township will inform the requester of the denial or partial denial in writing and inform the requester that Manor Township does not possess the responsive record or, if the information is exempt from public access, provide a citation to the relevant legal basis for withholding the requested information.

Fees

Manor Township will charge duplication and certification fees consistent with the OOR Fee Schedule and by a yearly resolution as set forth by the Manor Township Board of Supervisors. Manor Township may, in its discretion, choose to waive some or all of the fees owed on a case-by-case basis.

RTKL Appeals


To challenge the denial or deemed denial of a request for Manor Township records, an appeal may be filed by completing the official OOR Appeal Form available on the OOR website: <https://www.openrecords.pa.gov/Appeals/HowToFile.cfm>. An appeal may also be filed via postal mail, email, or fax using the following contact information:

Liz Wagenseller
Executive Director
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
Email: openrecords@pa.gov
Fax: 717-425-5343

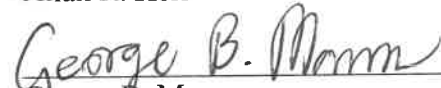
An appeal must include a copy of the request and the Manor Township's response. More information is available on the OOR website: <https://www.openrecords.pa.gov/Appeals/HowToFile.cfm>

BE IT RESOLVED this day November 7, 2024.


MANOR TOWNSHIP



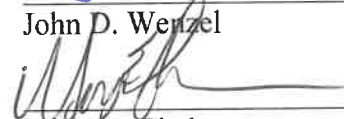
Allan R. Herr



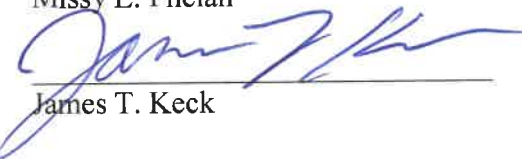
George B. Mann



John D. Wenzel



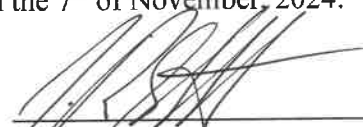
Missy E. Phelan



James T. Keck

ATTEST:

I hereby certify that the foregoing is a true and correct copy of the Resolution duly adopted at a meeting of the Manor Township Supervisors held on the 7th of November, 2024.



J. Ryan Strohecker, Twp. Mgr.