



**Official School Board Policy
of the
North Allegheny School District**

Board Policy # 4160

Rev. No.	Date	References:		
		School Law	Board Policy	Admin. Procedure
0	12/10/08		4160	4160

Right-to-Know Requests

1.0 PURPOSE

The purpose of this policy is to ensure that the District is in compliance with the Pennsylvania Right-to-Know Law, Act 3 of 2008, effective January 1, 2009.

2.0 GENERAL PROVISIONS

The law establishes that records of all governmental agencies are open and available to the public. It specifies that the District may not deny any citizen access to a public record, unless the District can demonstrate that the record is exempt or protected as described by the specific requirements and prohibitions detailed by the law. Requests may not be denied on the basis of the intended use of the public record.

2.1 **Record.** A record is defined as 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. Examples would include documents, papers, tapes, photographs, films, sound recordings, information stored or maintained electronically, and data-processed or image-processed documents.

2.2 **Open Records Officer.** The District will appoint an Open Records Officer who will carry out the functions as specified by the law in the processing of requests for records.

2.3 **Posting.** The District will post all relevant information about its Right-to-Know Policy and procedures on the District website as specified by the law.

2.4 **Uniform form.** The District will accept the uniform request form made available by the Pennsylvania Office of Open Records, in addition to the District's own standard request form.

- 2.5 **Consideration of requests.** The District will evaluate requests and fulfill them in accordance with the law, using its discretion to deny them only under the circumstances allowed by the law.

3.0 PROCEDURES

The District will respond to requests for information by providing a public record for inspection or duplication in the medium in which it exists, during the District's regular business hours. The District is not required by law to create, compile, maintain, format or organize a record in a manner in which it does not already exist when a request for information is received. The District is obligated by law to redact any information which is determined not to be public information but is part of a public record prior to releasing the public record. The District may also make a public record available through any publicly accessible electronic means, within the guidelines specified by law.

- 3.1 **Submission of Requests.** A request may be submitted in writing in person, by mail, by e-mail, or by facsimile. It must be addressed to the Open Records Officer. All employees will be directed to forward such a request to the Open Records Officer.

- 3.1.1 **Criteria.** A written request should identify or describe the record sought with sufficient specificity to enable the agency to ascertain which record(s) is being requested and shall include the name and address to which the agency should address its response.

3.1.1.1 A written request need not include any explanation of the requester's reason for requesting or intended use of the records unless otherwise required by law.

3.1.1.2 Requests from citizens with special needs will be individually evaluated and may not be held to the standards of the District's established procedures, if it is fairly determined that an individual is not capable of or requires assistance in meeting established standards.

- 3.2 **Burden of proof.** The District will make a good faith effort to review each request for information to determine if the record is indeed a public record. In making these determinations, the District will proceed on a case-by-case basis, referring to the exceptions contained in the law. The law details thirty (30) exceptions that would prevent the District from providing access to a record; in addition, records protected by court order or statute are not public records.
- 3.3 **Responding to requests.** The District will respond as promptly as possible under the circumstances existing at the time of the receipt of a given request for information.
- 3.3.1 **Fulfilling a request.** The District will mail a response fulfilling the request to the requester within five (5) business days from the date the written request is received by the Open Records Officer.
- 3.3.1.1 If there will be fees that amount to \$100 or more to fulfill the request, the requester will be notified and those fees must be paid in advance before the District will begin the work of fulfilling the request.
- 3.3.1.2 If there will be fees that amount to less than \$100, the requester will be notified of the date when the information will be available for pick up at the Central Administration Office and that those fees must be paid before the information will be released. The pick up date will be within the five day response limit, unless an extension has been invoked.
- 3.3.1.3 If the requester submits a written request to have an electronic record converted to printed form within thirty (30) days of the District's notice of the availability of a record via electronic means, the District has five (5) days from receipt of the request to mail that record to the requester.
- 3.3.1.3.1 The District is not required to permit access to electronic records via its computers.

- 3.3.2 **Extension of time.** If extenuating circumstances exist, as allowed by the law, the Open Records Officer may send written notice to the requester within five days indicating that the request will be fulfilled within thirty (30) business days. This correspondence must include the reason for the extension.
- 3.3.2.1 If the District will require more than thirty (30) days to fulfill the request, the extension must be agreed upon by the requester, in writing.
- 3.3.3 **Denial of a request.** If the District finds it appropriate within the parameters of the law to deny a request in whole or in part, the denial will be issued in writing within five (5) days and will include a description of the record requested, the specific reasons for the denial (including a citation of supporting legal authority), the date of the response, the contact information for the Open Records Officer, and the procedure for appeal of the denial.
- 3.3.4 **Certification of a record.** If the requester requires certification of a record, the Open Records Officer will provide an official signed statement attesting to the accuracy of the record.
- 3.3.5 **Notification to third parties.** When the District produces a record that is not a public record in response to a request, the Open Records Officer will notify any third party that provided the record to the District and the person that is the subject of the record that this record has been released. The requester will be informed that this record was provided to the District by a third party. In addition, 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.
- 3.3.6 **Possession of a record by a third party.** A requested 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 will be considered a public record of the District. When the District contracts with such a third party, the District will 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.

- 3.3.7 **Record discard.** If a requester is informed that records are available to be picked up at the Central Administration Office and the requester fails to retrieve the records within sixty (60) days of the established pick up date, the District will dispose of the records. Any related, prepaid fees will be retained by the District.
- 3.3.8 **Fees.** Fees related to requests for information to cover postage and duplication as allowed by the law will be charged in alignment with the guidelines established by the Pennsylvania Office of Open Records.
- 3.3.8.1 The District may choose to waive fees when it deems it is in the public interest to do so.