

**COUNTY OF BUTLER**  
**RIGHT-TO-KNOW POLICY**

The purpose of this policy is to assure compliance with the Pennsylvania Right-to-Know Act as amended (65 P.S. § 67.101 et seq., hereinafter referred to as the Act), to provide access to public records of the County of Butler (hereinafter referred to as the County), to preserve the integrity of County records, and to minimize the financial impact to the residents of the County regarding the resources utilized in the receipt and processing of public records requests.

The full text of the Act, as well as a Citizen's Guide to the Act and other resources, is available from the Pennsylvania Office of Open Records at [www.openrecords.state.pa.us](http://www.openrecords.state.pa.us) or by calling 717-346-9903.

**Authority**

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

**Access**

Public records are accessible for inspection and duplication during normal office hours, 8:30 a.m. to 4:30 p.m., Monday through Friday, except for holidays.

**Format**

A record being provided to a requester shall be provided in the medium requested if it exists in that medium; otherwise, it shall be provided in the medium in which it exists. The County is not required to convert a public record to another medium, except that if the public record is only available in electronic form, the County will print it out on paper if the Requester so requests. Duplication fees may apply. The County is not required to create a public record that does not already exist, nor is it required to compile, maintain, format, or organize a public record in a manner in which the County does not currently do so.

**Requests for Public Records**

An individual may make a verbal, written, or anonymous verbal or written request for access to a record. If the Requester wishes to pursue the relief and remedies provided for under the Act, the request for access to records must be a written request. Written requests may be submitted in person, by e-mail, by facsimile, or by mail to the County Open Records Officer. Requests made directly to other County departments may be forwarded to the County Open Records Officer for response. A written request should be as specific as possible in identifying or describing the records being sought and shall include the name and address to which the County should address its response. The request shall indicate whether the records are to be certified. The request need not include any explanation of the Requester's reason for requesting or intended use.

Approved Wednesday, November 28, 2012

A Requester will not be granted access to a County computer unless it is customarily provided for public access to public documents in row offices.

With the exception of judicial and District Attorney records (see next section), requests for access to open records are to be submitted to the County Open Records Officer as follows:

Open Records Officer  
County of Butler  
124 West Diamond Street  
P.O. Box 1208  
Butler, PA 16003-1208

Phone: 724-284-5100  
Fax: 724-284-5400  
e-mail: [openrecords@co.butler.pa.us](mailto:openrecords@co.butler.pa.us)

Request forms are available on the County's website at [www.co.butler.pa.us](http://www.co.butler.pa.us).

### **Requests for Judicial and District Attorney Records**

Judicial records include the records of Court Administration, Adult Probation, Juvenile Probation, Court Reporters, Domestic Relations, Magisterial District Justice Offices, and the Law Library. Requests for judicial records falling outside this policy and should be directed to:

Court Open Records Administrator  
County of Butler  
124 West Diamond Street  
P.O. Box 1208  
Butler, PA 16003-1208

Phone: 724-284-5200  
Fax: 724-285-5185  
e-mail: [court.admin@co.butler.pa.us](mailto:court.admin@co.butler.pa.us)

The County District Attorney's Office maintains its own Open Records Office. Requests for open records should be directed to:

Open Records Officer: Det. Charles Barger  
Appeals Officer: Patricia J. McLean, Esq.  
Office of the District Attorney  
County of Butler 124  
W. Diamond St. P.O.  
Box 1208 Butler, PA  
16003-1208

Phone: 724-284-5222  
Fax: 724-285-5185  
e-mail: [cbarger@co.butler.pa.us](mailto:cbarger@co.butler.pa.us)

### **The County's Response**

Upon receipt of a written request for access to a record, the County will make a good-faith effort to determine if the record requested is a public record and whether the County has possession, custody, or control of the identified record, and to respond as promptly as possible under the circumstances existing at the time of the request. All applicable fees shall be paid in advance in order to receive access to the record requested. The time for response shall not exceed five business days from the date the written request is received by the County Open Records Officer or departmental designee. If the County fails to send the response within five business days of receipt of the request for access, the request shall be deemed denied.

If the County receives a request for a public record that is not in the possession of the County, the County will notify the Requester in writing that it does not possess the record requested and where possible, direct the Requester to appropriate persons in another agency.

### **Extension of Time**

If the request cannot be fulfilled within five business days, the County will notify the Requester in writing, stating that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided, and an estimate of applicable fees owed when the record becomes available.

### **Redaction**

The County will separate and exclude any records which are not public or which are otherwise exempted from public access according Section 708 of the Act. If information which is not subject to access is an integral part of a public record and cannot be separated, the County shall redact from the public record the information which is not subject to access.

### **Grant of Request for Records**

If the County determines that some or all of the requested records are available, the written response shall outline the manner in which the County is complying with the request. All applicable fees shall be paid in advance in order to receive access to the record requested.

If a Requester desires to pick up the public records in person, the County will make a good-faith effort to hold the requested public records at the designated County Office. If the Requester fails to retrieve the requested records within 60 days of the County's response, the County may dispose of any copies which have not been retrieved by the Requester and retain any fees paid to date.

### **Denial of Request for Records**

If the County determines that a request for records should be denied, in whole or in part, the denial shall be issued in writing. The response shall include a description of the record requested, the specific reasons for denial, including a citation of supporting legal authority, the signature and contact information for the County Open Records Officer, the date of the response, and the procedure to appeal the denial of access under the Act.

If the Requester refuses to pay the applicable fees set forth by this policy, the County will inform the Requester in writing that the request is denied for that reason, which will include a description of the record requested, the name, title, business address, business telephone number, and signature of the denying public official or employee, the date of the response, and appeal procedure to appeal the denial of access under the Act.

## Fee Schedule

All applicable fees shall be paid in advance in order to receive access to the record requested. The County Open Records Officer may waive the fees for duplication of a record when the County deems it is in the public interest to do so.

<b>Record Type</b>	<b>Fee</b>
Photocopies: <i>(A "photocopy" is one single-sided page, or one side of a double-sided page, of a standard 8.5" x 11" document)</i>	\$0.25 per page
Conversion to paper:	If a record is only maintained electronically or in other non-paper media, duplication fees shall be the lesser of the fee for duplication on paper or the fee for duplication in the original media, unless the requester specifically requests for the record to be duplicated in the more-expensive medium.
Certification of a record:	\$1.00 per record. Fee does not include notarization fees.
Specialized documents: For example, blueprints or non-standard-sized documents	Actual cost
CD or DVD:	\$5.00
Floppy disk:	\$5.00
Tape recordings:	Actual cost
Tax Maps: 11"x 17" 13"x19"	\$7.00 \$10.00
Facsimile/microfiche:	Actual cost
Postage:	Actual cost

## **Statutory Fees**

Should a separate statute authorize a County office to charge a set amount for a certain type of record, the County may charge no more than that statutory amount. For example, a Recorder of Deeds may charge a copy fee of \$0.50 per uncertified page and \$1.50 per certified page under 42 P.S. §21051.

## **Inspection of Records**

Requesters may inspect a record prior to, or instead of, receiving a copy of it. It is the policy of the County of Butler to require the presence of a designated employee when public records are inspected. If a Requester wishes to inspect a record that contains both public and non-public information, the County will redact the non-public information prior to the Requester's inspection. The County may charge the Requester for copies it must make of the record in order to redact any non-public information, and the fee structure outlined above will apply. If, after inspecting the redacted record, the Requester chooses to obtain the copies, no additional fee will be charged.

**Date of Adoption: Wednesday, November 28, 2012**