

BENSALEM TOWNSHIP OPEN RECORDS POLICY

REQUESTS

1. Access – Unless otherwise provided by law, a public record will be accessible for inspection and duplication in accordance with the Right to Know Law. The record being provided to a requester will be provided in the medium requested if it exists in that medium; otherwise, it will be provided in the medium in which it exists at the time of the request. Public records will be available for access during the normal business hours of the Township.
2. Requests – The Township may fulfill verbal, written or anonymous verbal or written requests for access to records. If the requester intends to pursue the relief and remedies provided for in the Right to Know Law, the request for access to records must be written request.
 - a. Written Requests – A written request for access to records may be submitted in person, by mail, by e-mail or by facsimile. A written request must be addressed to the designated Open-Records Officer. The written request should identify or describe the records sought with sufficient specificity to ascertain which records are being requested and will include the name and address to which the Township should address its response. 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.
 - b. Electronic Access – The Township may make its records available through any publicly accessible electronic means. The Township may respond to a request by notifying the requester that the record is available through publicly accessible electronic means or that the Township will provide access to inspect the record electronically.
3. Redaction – 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 Township’s response will grant access to the information which is subject to access and deny access to the information which is not subject to access. The Township will redact from the record the information which is not subject to access. The Township may not deny access to the record if the information which is not subject to access is able to be redacted.

RESPONSE TO REQUESTS

1. Response – Upon receipt of a written request for access to a record, the Township will make a good faith effort to determine if the record requested is a public record and whether the Township 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 will be paid in order to

receive access to the record requested. The time for response will not exceed five business days from the date the written request is received by the Open-Records Officer. If the Township fails to send the response within five business days of receipt of written request for access, the written request for access will be deemed denied.

- a. Extension of time – Upon receipt of a written request for access, the Open-Records Officer may determine the request may not be completed within the 5 day time limit. A letter will be sent to the requester with an anticipated completion date.
- b. Denial – If the Township’s response is a denial of a written request for access, whether in whole or in part, the denial will be issued in writing and will include:
 - A description of the record requested.
 - The specific reasons for the denial, including a citation of supporting legal authority, if available.
 - The typed or printed name, title, business address, business telephone number and signature of the Open-Records Officer who is issuing the denial.
 - Date of the response.
 - The procedure to appeal the denial under the Rights to Know Law.
- c. Certified Copies – When a request for a record is granted the Township will, upon request, provide the requester with a certified copy of the record if the requester pays the applicable fees.

APPEALS

1. Filing of Appeal – If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the Office of Open Records within 15 business days of the mailing date of the Township’s response or within 15 business days of a deemed denial. The appeal will state the grounds upon which the requester asserts that the record is a public record and will address any grounds stated by the Township for delaying or denying the request. The Office of Open Records will assign an appeals officer to review the denial.

FEES

1. Fee Limitations –
 - a. Photocopy Fee – a photocopy is either a single-sided copy or one-sided of a double-sided black and white copy of a standard 8.5” x 11” page. The set fee for a photocopy is .25 cents per page.

- b. Postage – fees for postage may not exceed the actual cost of the mailing.
 - c. Certification – The Township may charge one (1) dollar per record for official certification of copies if the certification is at the behest of the requester and for the purpose of legally verifying the public record.
 - d. Conversion to Paper – If a record is only maintained electronically or in other non-paper media, duplication fees will be limited to the lesser of the fee for duplication on paper or the fee for duplication in the original media as provided by subsection (b) unless the requester specifically requests for the record to be duplicated in the more expensive medium.
 - e. Waiver of Fees – The Township may waive the fees for duplication of a record, including, but not limited to, when:
 - the requester duplicates the record on his/her own; or
 - the Township deems it is in the public interest to do so.
2. Prepayment – Prior to granting a request for access the Township may require a requester to prepay an estimate of the fees authorized if the fees required to fulfill the request are expected to exceed \$100.