

RIGHT TO KNOW – OPEN RECORDS POLICY

Approved by the Centre County Federation of Public Libraries Board of Trustees on November 9, 2023

Approved by the Schlow Centre Region Library Board of Trustees on July 19, 2023

Approved by the Centre County Library and Historical Museum Board of Trustees on July 27, 2023

Purpose

The purpose of this policy is to assure compliance with Act 3 of 2008, the Pennsylvania Right-to-Know Law, as amended; to provide access to public records of the Centre County Federation of Public Libraries (CCFPL); to preserve the integrity of the CCFPL's records; as protected by 24 PA.C. S – Public Library Code Subchapter 9375 Privacy of Circulation Records, and to minimize the financial impact of the residents regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

The Centre County Federation of Public Libraries (CCFPL) provides free library services to all persons living in Centre County. Centre County Library & Historical Museum (CCLHM) and SCRL comprise the CCFPL. The Library Directors of the two-member libraries share co-system administrator duties and responsibilities. Together, the CCFPL funds, manages, and shares an integrated library automation system (ILS) comprised of patron and bibliography records. RTK requests involving data requests from the ILS must go through the CCFPL Right to Know Open Records Policy.

Public Records

A "Public Record" is defined as any record, including financial records, of a Commonwealth or local agency that is not exempt under section 708 of Act 3 of 2008, is not exempt from being disclosed under any other federal or state law or regulation or judicial order or decree, or is not protected by a privilege.

Records are also information, regardless of physical form or characteristics, that document a transaction or activity of an agency and that is created, received, or retained pursuant to law or in connection with a transaction, business, or activity of the agency. The term includes 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.

Inspection

Public records are open to inspection and for duplication during normal office hours, 9:00 a.m. to 5:00 p.m., Monday through Friday, except for holidays, subject to the regulations set forth herein.

Open Records Officer (ORO)

The designated "Open Records Officer" shall be the Centre County Library & Historical Museum Director, who shall designate certain employee(s) to process public record requests. The ORO is responsible for minimizing, where possible, the financial impact to the CCFPL regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copy of public records.

Upon receipt of a written open records request, the ORO or their designee shall:

1. Note the date of receipt on the written request.
2. Compute the day on which the five-day period will expire and make a notation of that date on the written request.
3. Maintain an electronic or paper copy of a written request, including all documents submitted with the request, until the request has been fulfilled. If the request is denied, the written request shall be maintained for 30 days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied.
4. Alert the director of the Schlow Centre Region Library.

Open Records Request

A written request for access to records may be submitted in person, by mail, by email, by facsimile, or provided by way of the CCFPL's Open Records Request form. A written request must be addressed to the ORO. All employees who receive a request shall immediately forward requests for records to the ORO. Regardless of the form received, no employee shall determine if the request is in its proper form. A written request should identify or describe the records sought with sufficient specificity to enable the ORO to ascertain which records are being requested and shall include the name and address to which the Library 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.

Redaction

While the CCFPL will disclose public records subject to access, the CCFPL is not required to synthesize, compile, maintain, format, or organize records in response to a request. When a public record exists, the CCFPL will separate and exclude any records which are not public records or which are otherwise excluded or exempted from the definition of public records. If information which is not subject to access is an integral part of a public record and cannot be separated, the CCFPL shall redact from the public record the information which is not subject to access, and the response shall grant access only to the information which is subject to access. Attached is a list of public records that are not subject to public access.

Response

Within 5 business days from the date the request is received, the CCFPL will (1) provide the records requested; (2) deny the request by notifying the requestor in writing; or (3) send a written notice that the records cannot be provided within the initial 5 business days. If it is determined that the request cannot be honored within the initial 5 days, a notice will be issued specifying a date when the records may be expected but, in no case, will the time be longer than 30 additional days. If no response is made within the five business days of receipt of written request, the request shall be deemed denied.

Fees

A request for copies of public records or information produced therefrom must be accompanied by payment of fees to cover the direct costs of duplication if the cost is estimated to be \$100.00 or more. Reasonable fees to cover direct costs incurred by the CCFPL may be charged, as set by the Pennsylvania Office of Open Records.

Denials

If the CCFPL denies a written request for information, whether in whole or in part, a written response will be sent by the Library Director to the requestor with: (1) a description of the record requested; (2) the specific reasons for denial, including a citation of supporting legal authority; (3) contact information for the Library Director; (4) date of response; and (5) procedure to appeal the denial.

Appeals

Requestors receiving a denial either in part or whole of a submitted request have the right to appeal that denial of information in writing to the Appeals Office, c/o Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120 for a review.

Within 30 days of the mailing date of the final determination of the appeals officer, a requester or the Library may file a petition for review as required by rule of court with the Centre County Court of Common Pleas. The decision of the court shall contain findings of fact and conclusions of law based upon the evidence as a whole. The decision shall clearly and concisely explain the rationale for the decision. A petition for review shall stay the release of documents until a decision is issued.

Repeal of Inconsistent Agreements, Policies or Resolutions

Any and all other agreements, policies or resolutions, or parts of agreements, policies or resolutions, in conflict herewith, are hereby repealed.

PUBLIC RECORDS EXEMPT FROM PUBLIC ACCESS

Include:

- Library circulation records
- Personnel records, including letters of reference, performance ratings, applications of those not hired, and material related to grievances, discipline, and written criticisms
- Personal identification information
- Records related to infrastructure security
- Records related to computer security
- Records related to donations that would disclose the identity of a donor to the agency
- Records related to personal security and public safety
- Drafts of minutes, policies, and regulations

- Minutes of executive sessions
- Notes and working papers used by a public official or employee solely for personal use
- Records of internal pre-decisional deliberations, including deliberations relating to proposed policies, budget recommendations, and internal strategies

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