

Access to Public Records Notice

Pursuant to the Pennsylvania Right-to-Know Law, LCSWMA has adopted the following policies governing citizen access to LCSWMA public records:

Definitions:

- (a) A record is information, regardless of physical form or characteristic, that documents 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 LCSWMA. 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.
- (b) A financial record is any of the following:
 - (1) Any account, voucher or contract dealing with:
 - (i) the receipt or disbursement of funds by LCSWMA; or
 - (ii) LCSWMA acquisition, use or disposal of services, supplies, materials, equipment or property.
 - (2) The salary or other payments or expenses paid to an officer or employee of LCSWMA, including the name and title of the officer or employee.
 - (3) A financial audit report. The term does not include work papers underlying an audit.
- (c) A public record is a record, including a financial record, of LCSWMA that:
 - (1) is not exempt under section 708 of the Right-to-Know Law attached as Schedule A;
 - (2) is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or
 - (3) is not protected by a privilege.

Policies and Procedures:

- A. LCSWMA shall maintain the confidentiality of any record which is excepted from disclosure under Section 708 of the Right-to-Know Law attached as Schedule A.
- B. No LCSWMA public record shall be removed from the supervision or control of LCSWMA's custodian of public records.
- C. LCSWMA shall make all public records of LCSWMA available for inspection and duplication by legal residents of the United States in compliance with the following procedures:

Written Request: All requests for inspection or reproduction of public records in the possession of LCSWMA shall be made in writing and submitted in person, by mail, by facsimile, or any other electronic means to LCSWMA's attention:

Kathryn Sandoe, Communications Manager/Open Records Officer
Lancaster County Solid Waste Management Authority
1299 Harrisburg Pike
P.O. Box 4425
Lancaster, PA 17604
Tel: (717) 397-9968 / Fax: (717) 397-9973 / E-Mail ksandoe@lcswma.org

The request must identify the records sought and the form in which the records are being requested. The request must also include the name and address of the person to whom a response should be addressed. A LCSWMA Request for Information form is available for written requests; the form provided by the Office of Open Records may also be used. Verbal or anonymous requests will not be filled, but all written requests will be forwarded to the Open Records Officer.

Response to Written Request:

The Open Records Officer or a designee shall respond to the request within five (5) days, according to the following guidelines:

- (a) Upon receiving a request for a public record, the Open Records Officer shall note the date of receipt on the letter, compute and note on the request the day when the response is due, and maintain a written and/or electronic copy of the request until it is filled and/or the denial/appeals process is final.

- (b) Unless the Open Records Officer determines that the record is not a public record, access shall be provided as required by law.
- (c) If the Open Records Officer or a designee does not send a response to the request within five (5) business days, the request shall be deemed denied;
- (d) If the Open Records Officer or a designee determines that more than five (5) days is required to evaluate and respond to the request (in accordance with Section 902 of the Right-to-Know Law), then a request shall be sent to the requestor, indicating that the request is being reviewed, the reason for the review and a date when a response will be provided; any response time exceeding thirty (30) days from the date of LCSWMA's response shall seek the approval of the extension by the requester.
- (e) If the Open Records Officer or a designee determines that the request should be denied, then a response shall be sent describing the record requested and explaining the specific reasons for the denial including the specific legal authority relied upon, the name, title, address, telephone number and signature of the Open Records Officer, the date of the denial and the procedure for appealing the denial.
- (f) Any document produced which is not a public record or which involves trade secrets will be produced and any third party that provided the record to LCSWMA, the person that is the subject of the record, and the requester, notified in accordance with Section 707 of the Right-to-Know Law.
- (g) Any and all records which contain information subject to access and information not subject to access shall only be released with the information subject to access and/or shall be redacted in accordance with law.

Appealing the Denial of a Written Request:

If a request for inspection and duplication of LCSWMA public records is denied or deemed denied, the requestor may file a written exception within fifteen (15) business days. The requestor may appeal to the Office of Open Records in accordance with Section 1101 of the Right-to-Know Law by filing an appeal with the designated appeals officer within fifteen (15) business days of the mailing date or within fifteen (15) business days of the deemed denial. A copy of Sections 1101-1102 as attached as Schedule B shall be provided by LCSWMA with each written denial.

Inspection and Duplication of Public Records:

If a request for inspection and duplication of LCSWMA public records is granted pursuant to this policy, the Open Records Officer or a designee will inform the requestor of a time during LCSWMA's normal business hours for the inspection of the public records (LCSWMA's normal business hours are 8:00 A.M. to 4:30 P.M., Monday through Friday, excluding holidays). If duplicates of the public records are requested, the duplicates shall be provided upon payment of the following fees, if applicable:

COPIES: A "photocopy" is either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5" x 11" page **\$0.25 per page**

SPECIALIZED DOCUMENTS: For example, but not limited to blue prints, color copies, non-standard sized documents **Actual Cost**

FACSIMILE/MICROFICHE/ OTHER MEDIA **Actual Cost**

CONVERSION TO PAPER **If a record is only maintained electronically or in other non-paper media, duplication fees shall be limited to 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.**

POSTAGE FEES **Actual Cost**

No Redaction Fee may or will be imposed

No fees shall be assessed for staff time and resources required to evaluate written requests for access to LCSWMA public records or for redaction. Consistent with the Right-to-Know Law, the Open Records Officer or a designee shall maintain the above list of applicable fees for costs associated with the duplication of LCSWMA public records, consistent with prevailing rates set by the Office of Open Records.

Office of Open Records Information

The Office of Open Records may be reached at the following:

Commonwealth of Pennsylvania
Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17120-0225
(717) 346-9903 / E-Mail: openrecords@state.pa.us