

**City of Lower Burrell  
2800 Bethel Street  
Lower Burrell, PA 15068**

**OPEN RECORDS - RIGHT TO KNOW INFORMATION**

The PA Office of Open Records address is: Commonwealth of Pennsylvania Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, or via e-mail to [openrecords@state.pa.us](mailto:openrecords@state.pa.us).

The Westmoreland County District Attorney's Office at District Attorney John Peck, 2 North Main Street, Suite 206, Greensburg, PA 15601

**Access to Public Records**

The purpose of this policy is to assure compliance with the Pennsylvania Right-to-Know Law, 65 P.S. § 66.1 *et seq.*, as amended, to provide access to public records of The City of Lower Burrell, to preserve the integrity of The City of Lower Burrell records, and to minimize the financial impact to the residents of The City of Lower Burrell regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

It is the policy of the Council of the City of Lower Burrell to require the presence of a designated employee when public records are examined and inspected and to charge reasonable fees for duplication of public records of the City of Lower Burrell. Council of the City of Lower Burrell designates the City Manager as responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines:

1. The City Manager may designate certain employee(s) to process public record requests.
2. The City Manager is responsible for minimizing, where possible, the financial impact to the City of Lower Burrell regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.
3. All requests for public records of the City of Lower Burrell under this policy shall be specific in identifying and describing each public record requested. In no case shall the City Manager or his designee be required to create a public record which does not exist or to compile, maintain, format or organize a public record in a manner in which the City of Lower Burrell does not currently compile, maintain, format or organize the public record. All requests for public records shall be submitted in writing and on a form provided by the City of Lower Burrell, as attached hereto entitled "City of Lower Burrell Public Record Review/Duplication Request."
4. The designated employee shall make a good faith effort to determine whether each record requested is a public record.
5. The City Manager or his designee shall facilitate a reasonable response to a request for City of Lower Burrell public records. In no case is the City Manager expected

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to provide extraordinary staff to respond to the request, but will respond in a manner consistent with City of Lower Burrell administrative responsibilities and consistent with the requirements of the Pennsylvania Right-to-Know Law.

6. The designated employee shall respond to the requester within five (5) business days from the date of receipt of the written request. If the City Manager does not respond within five (5) business days of receipt thereof, the request is deemed denied.

7. The response provided by the City Manager shall consist of (1) approval for access to the public record; (2) review of the request by the designated employee; or (3) denial of access to the record requested.

8. If access to the public record requested is approved, the public record shall be available for access during the regular business hours of the City of Lower Burrell. The designated employee shall cooperate fully with the requested, while also taking reasonable measures to protect City of Lower Burrell public records from the possibility of theft and/or modification. The presence of a designated employee is required when public records are examined and inspected.

9. Fees for duplication of public records shall be as follows:

- (a) Photocopying: 25 cents (\$0.25) per page.
- (b) Duplication of public electronic and/or tape records: actual cost to the City of Lower Burrell of duplicating the public record.
- (c) Certified copies: \$1.00 per page.
- (d) Postage: actual cost to the City of Lower Burrell of mailing the public record.

The Council of the City of Lower Burrell may in its discretion waive fees.

10. In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed \$100.00, the designated employee(s) shall obtain fifty percent (50%) of the expected cost in advance of fulfilling the request to avoid unwarranted expense of City of Lower Burrell resources.

11. If the request is being reviewed, the notice provided by the City Manager shall be in writing and include the reason for the review and the expected response date, which shall be within thirty (30) days of the notice of review. If the City Manager does not respond within thirty (30) days thereof, the request is deemed denied. Review of the request is limited to situations where:

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- (a) The record requested contains information which is subject to access, as well as information which is not subject to access that must be redacted prior to a grant of access. The redacted information is considered a denial as to that information;
- (b) The record requires retrieval from a remote location;
- (c) A timely response cannot be accomplished due to staffing limitations;
- (d) A legal review is necessary to determine whether the record requested is a public record;
- (e) The requester has failed to comply with the City of Lower Burrell's policy and procedure requirements; or
- (f) The request refuses to pay the applicable fees.

12. If access to the record requested is denied, the notice provided by the City Manager shall be in writing as indicated on the form attached hereto entitled "Denial of Request to Review and/or Duplicate City of Lower Burrell Records."

13. If the request is denied or deemed denied, the requester may file exceptions with the Council of the City of Lower Burrell within fifteen (15) business days of the mailing date of the City Manager's notice of denial, or within fifteen (15) days of a deemed denial. The exceptions must:

- (a) Indicate the date of the original request;
- (b) Identify and describe the record(s) requested;
- (c) State the grounds upon which the requester asserts the record(s) is a public record; and
- (d) Address any grounds stated by the City in its notice of denial.

14. The Council of the City of Lower Burrell shall review the exceptions and may conduct a hearing to assist in making a final determination. A final determination will be made within thirty (30) days of the mailing date of the exceptions, unless extended by the parties. If the denial is upheld, the decision shall contain a written explanation of the reason for denial and an explanation of the process for further appeal.

15. This policy shall be posted conspicuously at the City of Lower Burrell City Hall.

16. This policy shall take effect on December 26, 2002.

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**PUBLIC RECORD REVIEW/DUPLICATION REQUEST**

**Please print legibly.**

Date of Request: \_\_\_\_\_

Requester's Name: \_\_\_\_\_

Requester's Address: \_\_\_\_\_

\_\_\_\_\_

Requester's Telephone: \_\_\_\_\_

I request  review  duplication (check applicable boxes) of the following records.

**Important:** You must identify or describe the records with sufficient specificity to enable the City of Lower Burrell to determine which records are being requested. Use additional sheets if necessary.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I certify that I am a resident of the Commonwealth of Pennsylvania.

\_\_\_\_\_  
Signature of Requester

This request may be submitted in person, by mail or by facsimile to:

City Manager  
City of Lower  
Burrell 2800 Bethel  
Street  
Lower Burrell, PA 15068  
Facsimile: 724-335-9881

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**PUBLIC RECORD REVIEW/DUPLICATION REQUEST**

**To be completed by City Manager:**

Request No.: \_\_\_\_\_

Date Received: \_\_\_\_\_

Action Taken:

Approved                      Date of approval: \_\_\_\_\_

Denied                         Date notice mailed: \_\_\_\_\_

Additional Review         Date notice mailed: \_\_\_\_\_

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**DENIAL OF REQUEST TO REVIEW AND/OR DUPLICATE**

Date of Denial: \_\_\_\_\_

Requester's Name: \_\_\_\_\_

Requester's Address: \_\_\_\_\_

RE: Denial of Request to Review and/or Duplicate \_\_\_\_\_

Request No. \_\_\_\_\_

Date of Request: \_\_\_\_\_

Dear Mr./Mrs./Ms. \_\_\_\_\_:

Please be advised that your request to review/duplicate [strike out inappropriate request] the following records:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

has been denied for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_

This denial is based upon the following legal authority:

\_\_\_\_\_

You have the right to appeal this decision. If you appeal, you must either:

1. Within fifteen (15) days of the notice of denial or deemed denial, file exceptions with the Council of the City of Lower Burrell in accordance with Council's policy.

If you file exceptions, the City of Lower Burrell has thirty (30) days in which to respond to your exceptions, unless extended by the parties. The Council of the City of Lower Burrell may decide to conduct a hearing within that time to assist in the making of the decision.

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- OR -

2. Within thirty (30) days of the notice of denial, or within thirty (30) days of the Council of the City of Lower Burrell's final decision (in the event that you have filed exceptions), file a petition for review in the Westmoreland County Court of Common Pleas or bring an action in the local District Magistrate's office.

City of Lower Burrell

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Amy S. Rockwell, City Manager