



MARPLE TOWNSHIP POLICE DEPARTMENT

Policy: 4.11.1

Subject:

Pennsylvania Right to Know Law

Date of Issue:

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By Order of:

Chief Thomas Murray

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5

References:

PLEAC 4.11.1

I. PURPOSE

To establish guidelines for releasing Agency reports or information in accordance with the Pennsylvania Right to Know Law and to outline procedures for the release of reports requiring a subpoena.

II. POLICY

It is the policy of this Agency to comply with the requirements of the Pennsylvania Right to Know Law (Act 3 of 2008), 65P.S. Sections 67.101 et seq.

III. PUBLIC RECORDS

- A. Public records are available in person Monday-Friday 8:30AM-4:30PM, excluding holidays or extenuating circumstances
- B. All requests for public records must be submitted in writing using the Pennsylvania Standard Right to Know Request Form, available in person on the MTPD website. The form must be fully completed to be accepted. No verbal or anonymous requests will be accepted. (PLEAC 4.11.1a)
- C. The designated Open Records Officer will make a good faith effort to determine if the record requested is a public record and respond as promptly as possible. (PLEAC 4.11.1b)
- D. Under the “Right to Know Law” investigative reports are exempted from the definition of “Public Records.” Therefore, any such request will be denied unless a properly executed subpoena is received.

- E. Criminal History Information is not accessible under the “Right to Know Law”.
- F. Unless a charge of juvenile delinquency is transferred for criminal prosecution under Section 6355 of the Juvenile Act, or the court otherwise orders, the records and files of a juvenile shall not be open to public inspection or their contents disclosed to the public.
- G. If a request is granted, a fee schedule shall apply. This fee schedule is available for public view.
- H. There is no limitation on the number of public records which may be requested or made available for inspection or duplication. Fees will be assessed per copy requested (PLEAC 4.11.1d)
- I. There is no requirement to disclose the purpose or motive in requesting access to records which are considered public. (PLEAC 4.11.1d)
- J. The following information shall be posted for public view and on the Agency website:
 - 1. Contact information for the Township Open Records Officer.
 - 2. Contact information for the Open Records Appeals Unit of the Delaware County District Attorney’s Office.
 - 3. Forms which may be used to file a request.
 - 4. Regulations, policies, and procedures of the Agency relating to the Pennsylvania Right to Know Act. (PLEAC 4.11.1c)

IV. STAFF PROCEDURES

- A. Upon receipt of a record request, the Records Division Staff shall make a copy of the request form and create an entry on the Open Records Request Log. The staff shall note the following on the log:
 - 1. Date request received
 - 2. Type of record requested
 - 3. Associated reference number
 - 4. Note if a subpoena accompanies the request

5. Whether or not the request was honored.
 6. If any redaction was necessary
 7. Number of pages copied
 8. Date request and/or records were returned to the Township
 9. Staff member initials
- B. The staff shall prepare any requested records in a timely fashion. All records shall be reviewed by the Evidence Custodian prior to the release of the record in order to determine whether any information is to be redacted. In the absence of the Evidence Custodian, the records shall be reviewed by a member of the Command Staff.
- C. If a request is to be denied, that shall be reflected on the Open Records Request Log. The reason(s) for denying the record request shall be noted on the Right to Know Request Form, and a copy of this form shall be made to reflect the reason(s). The denial of any request must be approved by a member of the Command Staff.
1. The Evidence Custodian shall decide the release of photographs or videotapes related to non-criminal events on a case-by-case basis. In certain cases, a subpoena may be required.

V. SUBPOENA PROCEDURES

- A. All subpoenas for Agency reports or documents shall be presented to the Township Open records Officer for proper review and disposition. Upon approval, the following procedure will be followed:
1. In honoring the request to produce copies of all approved documents and in lieu of having the Evidence Custodian appear in person with the documents, the Agency will provide a "Records Certification" with the released documents.
 2. The certification shall verify that the documents being provided are a true and correct copy of the original. The certification shall be dated and signed by the Evidence Custodian.

B. Criteria to be met for document release under subpoena:

1. Written proof of active litigation must be provided.
2. The original subpoena must be properly completed and presented, displaying a raised seal. The process server will retain the original subpoena, leaving a copy with the Township representative being served.
3. The appropriate subpoena surcharge fee along with all applicable document fees, payable to Marple Township, must accompany the subpoena.
4. No reports shall be released under subpoena until all appropriate fees have been collected.

VI. FEE SCHEDULE

- A. The Open Records Officer is responsible for ensuring that all established fees for the duplication and release of public records are properly charged and collected. The Open Records Officer is also responsible for maintaining a list of such fees. Any requests that require record searches shall result in additional fees being charged, as determined by the Open Records officer, payable prior to the release of any reports. Any person requesting reports or records shall be advised of the appropriate fees before the reports are provided and before any necessary research is undertaken.

VII. RIGHT TO APPEAL

- A. Any person who has requested and been denied access (or partial access) to an Agency report or other document has the right to appeal that denial.
- B. A statement explaining the reason for the denial shall be provided to the Open Records Officer upon being notified of an appeal by a member of the Command Staff. The statement shall be in Memorandum format addressed to the Open Records Officer.

VIII. PRESS INFORMATIONAL RELEASES

- A. It will be the Agency's policy to cooperate with the press in regards to releasing information concerning vehicle crashes, crime, critical incidents, or other requested information long as it is in the public's interest and will not compromise an ongoing investigation. Press information may only be released by a member of the Command Staff or his/her designee.

IX. EMPLOYEE RESPONSIBILITIES

- A. Records that are normally publicly accessible may contain personal information that should be redacted. This includes all juvenile information (unless the parent/guardian is the requesting party), HIPAA related information, dates of birth, social security numbers, and home phone numbers. Also in the event of an active Protection from Abuse Order, the victim's address and related contact information should be redacted out. Any questions should be directed to a member of the Command Staff.
- B. It is important that the redaction method is visually obvious to the requestor and show the specific location of any redacted material. If a report contains information that must be redacted, such as personal or confidential information, the employee will use the following method:
 - 1. Make a paper copy of the original record and manually "black out" the information with a dark colored marker.
 - 2. Copy the "blacked-out version of the document and provide copy to the requestor.
- C. All documents retained by the Agency, either written or electronically stored shall be considered confidential in nature and are the property of the Township of Marple. Employees during the course of their employment may have the occasion to read, copy, or become familiar with this confidential information. It is the duty of all employees to keep all police documents and information confidential.
- D. Any deliberate unauthorized release of police documents or information, whether original or a printed copy, or any unauthorized verbal release of confidential information will be considered a severe breach of discipline which could result in suspension or termination of employment and/or criminal prosecution.

X. RECORDS RETENTION

- A. The retention and disposal of all Agency records shall follow the schedule set forth in Chapter 8 of the Municipal Records Act of January 18, 1968 (P.L. 961, No. 428).