

OPEN RECORDS REQUESTS

ADMINISTRATIVE REGULATIONS AND POLICIES

Pennsylvania Right-to-Know Law (RTKL)
Act 3 of 2008, 65 P.S. §§ 67.101 et seq.

Effective Date:	October 1, 2026
Approved By:	Northampton Township - Approved October 1, 2026
Supersedes:	Prior Open Records Requests Administrative Regulations and Policies

1. Purpose and Authority

Northampton Township provides access to public records in accordance with the Pennsylvania Right-to-Know Law (RTKL), Act 3 of 2008, 65 P.S. §§ 67.101 et seq. These administrative regulations and policies establish the Township's procedures for receiving, processing, responding to, and charging authorized fees for requests for public records.

2. Definitions

For purposes of this policy, terms have the meanings assigned to them by the RTKL. In general:

- Financial Record - A record concerning the receipt or disbursement of funds, acquisition, use or disposal of services, supplies, materials, equipment or property, or other financial matters as defined by the RTKL.
- Public Record - A record of a Commonwealth or local agency that is not exempt under Section 708 of the RTKL, is not protected by privilege, and is not exempt from disclosure under another federal or state law or regulation or judicial order or decree.
- Record - Information, regardless of physical form or characteristics, that documents a Township transaction or activity and is created, received or retained pursuant to law or in connection with a Township transaction, business or activity.
- Requester - A person who is a legal resident of the United States and requests a record pursuant to the RTKL.

3. Open Records Officer

The Township's designated Open Records Officer shall:

- Receive written requests for access to Township records.
- Review and respond to requests in accordance with the RTKL, Township policy, and applicable law.
- Direct requests to appropriate Township departments or, when appropriate, advise the requester that another agency may possess the requested records.
- Track the Township's progress in responding to requests.
- Issue interim and final responses.
- Maintain records of requests and their disposition as required by law.

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- Coordinate with Township staff and legal counsel as necessary to identify, review, redact, and produce responsive records.

Township employees who receive a request for records that appears to be a Right-to-Know request shall promptly forward it to the Open Records Officer.

4. Procedure for Requesting Records

All written requests for access to public records shall be submitted on the Northampton Township Right-to-Know Request Form or the Pennsylvania Office of Open Records Standard Right-to-Know Law Request Form and addressed to the Township's Open Records Officer.

Requests may be submitted in person, by U.S. mail, by facsimile if designated by the Township, or by email to:

RTK@nhtwp.org

A request received after 4:30 p.m., or on a day when Township offices are closed, shall be considered received on the next business day that Township offices are open.

Each request must include:

1. Identification or description of the requested record(s) with sufficient specificity to enable the Township to determine which records are being requested.
2. The medium in which the record is requested.
3. The name and address to which the Township should send its response.

The Township shall not require a requester to disclose the reason for the request or the intended use of the requested record unless otherwise required by law.

The RTKL provides access to existing records; it does not require the Township to answer questions, create a record that does not exist, or compile, maintain, format, or organize a record in a manner in which the Township does not currently compile, maintain, format, or organize the record.

5. Township Response

Upon receipt of a properly submitted written request, the Open Records Officer shall determine whether the Township possesses, has custody of, or controls responsive records and whether those records are subject to public access.

The Township shall respond as promptly as possible. The initial response shall be issued within five (5) business days of receipt by the Open Records Officer and shall grant the request, deny the request, partially grant and partially deny the request, or notify the requester that an extension of time is necessary.

Records are generally available for inspection at the Township Administration Building during normal business hours, 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding holidays and other days when Township offices are closed.

6. Extension of Time

When an extension is authorized under Section 902 of the RTKL, the Township shall provide written notice within five (5) business days of receiving the request. The notice shall identify the reason for the extension and provide a reasonable date by which the Township expects to issue its final response.

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An extension of up to thirty (30) calendar days beyond the initial five-business-day response period does not require the requester's consent when authorized by the RTKL. Any additional extension shall be by written agreement with the requester.

7. Granting Access

When access is granted, the Township shall provide the record in the medium requested if the record exists in that medium. If it does not exist in the requested medium, it shall be provided in the medium in which it exists.

The Township may satisfy a request by notifying the requester that the record is available through publicly accessible electronic means. If the requester is unable or unwilling to access the record electronically and submits a written request for paper copies within thirty (30) days of the Township's notice, the Township shall provide paper copies in accordance with the RTKL and applicable fee schedule.

The Township is not required to convert a record to a medium other than the medium in which it exists or to create a record that does not exist.

8. Denial, Partial Denial, and Redaction

A record, or a portion of a record, may be withheld when disclosure is prohibited or restricted by an exemption in the RTKL, another federal or state law or regulation, a privilege recognized by law, a judicial order or decree, or other applicable legal authority.

If a public record contains information that is subject to access together with information that is not subject to access, the Township shall provide the public portion and redact the protected information when appropriate. A redaction constitutes a denial as to the information redacted.

A written denial or partial denial shall include the information required by Section 903 of the RTKL, including:

- A description of the record requested.
- The specific reasons for the denial, including citation to supporting legal authority.
- The typed or printed name, title, business address, business telephone number, and signature of the Open Records Officer on whose authority the denial is issued.
- The date of the response.
- The procedure for appealing the denial.

9. Records Potentially Exempt from Public Access

Not every record maintained by the Township is a public record subject to disclosure. Section 708 of the RTKL and other laws protect or exempt certain records or information. Depending upon the particular record and circumstances, protected information may include, among other things:

- Certain personal identification information.
- Certain employee records and personnel information.
- Records protected by attorney-client privilege, attorney work-product doctrine, or another recognized privilege.
- Certain criminal and noncriminal investigative records.
- Certain public safety, security, infrastructure, and computer-security information.
- Trade secrets and confidential proprietary information.
- Certain internal, predecisional deliberations.

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- Records protected from disclosure by another federal or state law, regulation, judicial order, or decree.

Each request will be evaluated based upon the particular records requested and the applicable law. When only part of a record is protected, the Township will provide the public portion when redaction is appropriate.

10. Fees

Fees for records provided under the RTKL shall be assessed in accordance with the Official RTKL Fee Schedule established by the Pennsylvania Office of Open Records (OOR), as amended from time to time. If another statute establishes a fee for a particular type of record, the fee established by that statute controls.

Record Type / Delivery Method	Authorized Fee
Black-and-white copies - first 1,000 copies	Up to \$0.25 per copy
Black-and-white copies - beyond 1,000 copies	Up to \$0.20 per copy
Color copies	Up to \$0.50 per copy
Specialized documents	Up to actual cost
Records delivered by email or other electronic method	No additional fee
CD / DVD	Up to actual cost, not to exceed \$1.00 per disc
Flash drive	Up to actual cost
Facsimile	Up to actual cost
Other media	Up to actual cost
Redaction	No additional fee
Conversion to paper	Up to \$0.25 per page
Photographing a record using the requester's own device	No additional fee
Postage	Up to actual cost of USPS First-Class Mail
Certification	Up to \$5.00 per record

For purposes of the OOR fee schedule, a "copy" is a single-sided copy or one side of a double-sided copy on 8.5" x 11" or 8.5" x 14" paper.

No fee may be imposed for the Township's review of a record to determine whether it is subject to access, for searching for or retrieving records, for staff time or salary associated with responding to a request, or for preparing the Township's response letter.

No additional fee may be imposed solely for delivery of records by email or another electronic method. No fee may be imposed for redaction itself. If secure redaction requires the Township to make paper copies, authorized duplication charges may apply to those copies.

The Township may waive authorized fees at its discretion. Prior to granting access, the Township may require prepayment of an estimate of authorized fees if the fees required to fulfill the request are expected to exceed \$100.

For complex and extensive data sets, including geographic information systems (GIS) or integrated property assessment lists, copying fees may be based on the reasonable market value of the same or

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closely related data sets when authorized by Section 1307(b)(4) of the RTKL. Statutory exceptions to that provision shall apply.

Enhanced electronic access fees, if any, may be imposed only as authorized by Section 1307(e) of the RTKL and must be reasonable and approved by the OOR.

11. Prepayment and Release of Records

When authorized fees are expected to exceed \$100, the Township may require prepayment of an estimate before granting access. Once records have been prepared for release, the Township may require payment of all authorized fees before releasing the records. Any difference between an estimate and the actual authorized cost shall be adjusted accordingly.

If records prepared for pickup are not retrieved within sixty (60) days of the Township's response, the Township may dispose of the copies and retain fees paid to date, as permitted by the RTKL.

12. Repeated Requests

Consistent with Section 506(a) of the RTKL, the Township may deny a requester access to a record when the requester has made repeated requests for the same record and the repeated requests have placed an unreasonable burden on the Township.

13. Appeals

If a written request is denied, partially denied, or deemed denied, the requester may file an appeal with the Pennsylvania Office of Open Records, unless another appeals officer has jurisdiction under the RTKL.

An appeal generally must be filed within fifteen (15) business days of the mailing date of the Township's response or within fifteen (15) business days of a deemed denial. The appeal must state the grounds upon which the requester asserts that the requested record is a public record and must address any grounds stated by the Township for denying the request.

An appeal should include:

- A copy of the original Right-to-Know request.
- A copy of the Township's response, if one was issued, or an indication that the request was deemed denied.
- The required written statements concerning why the record is public and addressing the Township's grounds for denial.

Electronic appeals and appeal-related documents must be filed through the OOR's E-File Appeal Portal. As of April 20, 2026, the OOR no longer accepts electronic appeal filings by email.

Alternative filing methods currently accepted by the OOR include fax, U.S. mail, and in-person delivery:

Pennsylvania Office of Open Records
555 Walnut Street, Suite 605
Harrisburg, PA 17101-1925
Fax: 717-425-5343

Special appeal procedures may apply to criminal investigative records and other matters for which the RTKL designates a different appeals officer. Requesters should follow the appeal instructions contained in the Township's final response.

14. Retention of Request Records

The Open Records Officer shall retain requests and related materials in accordance with the RTKL and the Township's applicable records-retention requirements. If a request is denied or partially denied and an appeal is filed, relevant request records shall be retained through final disposition of the appeal and any further proceedings as required by law.

15. References and Current OOR Resources

This policy should be administered together with the current RTKL and current guidance issued by the Pennsylvania Office of Open Records.

Pennsylvania Right-to-Know Law, Act 3 of 2008

https://www.legis.state.pa.us/RTKL/2008_Act3.pdf

Pennsylvania Office of Open Records - Official RTKL Fee Schedule

<https://www.openrecords.pa.gov/RTKL/FeeStructure.cfm>

Pennsylvania Office of Open Records - RTKL Forms

<https://www.openrecords.pa.gov/RTKL/Forms.cfm>

Pennsylvania Office of Open Records - How to File an Appeal

<https://www.openrecords.pa.gov/Appeals/HowToFile.cfm>

Pennsylvania Office of Open Records - Agency Guides

<https://www.openrecords.pa.gov/RTKL/AgencyGuides.cfm>

16. Review and Updates

The Township may revise these administrative regulations and policies as necessary to remain consistent with amendments to the RTKL, judicial decisions, Office of Open Records guidance, changes to the Official RTKL Fee Schedule, and Township operations.