

TOWNSHIP OF PORTER RIGHT-TO-KNOW LAW POLICY

#2025-090

August 4, 2025

Porter Township, Pike County adopts this policy pursuant to Section 504(a) of the Right-to-Know Law, 65 P.S. Sections 67.101-67.3104. Porter Township has made this policy available to the public at its office and on its public website along with the Township Request form.

Open Records Officer

The township hereby designates Terri Koch as the township's Open Records Officer. The Open Records Officer may be reached at 2186 Route 402 Rd, Dingmans Ferry, PA 18328, 570-223-0447 or info@portertownship.net.

General

Public records shall be available for inspection, retrieval, and duplication at the township office by appointment, with the exception of township-designated holidays.

Requests

Requests must be submitted on the Pennsylvania Office of Open Records' Standard Right-to-Know Request Form. Anonymous or verbal requests will not be considered. Pursuant to the Right-to-Know Law, a requester must be a person that is a legal resident of the United States and requests a record pursuant to this act. The term includes an agency as the term agency is defined in the RTKL.

Upon receiving a request for a public record, legislative record or financial record, the open-records officer shall do all of the following:

- (i) Note the date of receipt on the written request.
- (ii) Compute the day on which the five-day period under section 901 will expire and make a notation of that date on the written request.
- (iii) 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 under section 1101(b) or the appeal is deemed denied.

(a) DISRUPTIVE REQUESTS.—

- (1) An agency may deny a requester access to a record if the requester has made repeated requests for that same record and the repeated requests have placed an unreasonable burden on the agency.

(2) A denial under this subsection shall not restrict the ability to request a different record.

(b) DISASTER OR POTENTIAL DAMAGE.—

(1) An agency may deny a requester access:

- (i) when timely access is not possible due to fire, flood or other disaster; or
- (ii) to historical, ancient or rare documents, records, archives and manuscripts when access may, in the professional judgment of the curator or custodian of records, cause physical damage or irreparable harm to the record.

(2) To the extent possible, the contents of a record under this subsection shall be made accessible to a requester even when the record is physically unavailable.

(c) AGENCY DISCRETION.— An agency may exercise its discretion to make any otherwise exempt record accessible for inspection and copying under this chapter, if all of the following apply:

(1) Disclosure of the record is not prohibited under any of the following:

- (i) Federal or State law or regulation.
- (ii) Judicial order or decree.

(2) The record is not protected by a privilege.

(3) The agency head determines that the public interest favoring access outweighs any individual, agency or public interest that may favor restriction of access.

(d) AGENCY POSSESSION.—

(1) A public record that is not in the possession of an agency but is in the possession of a party with whom the agency has contracted to perform a governmental function on behalf of the agency, and which directly relates to the governmental function and is not exempt under this act, shall be considered a public record of the agency for purposes of this act.

(2) Nothing in this act shall be construed to require access to any other record of the party in possession of the public record.

(3) A request for a public record in possession of a party other than the agency shall be submitted to the open records officer of the agency. Upon a determination that the record is subject to access under this act, the open records officer shall assess the duplication fee established under section 1307(b) and upon collection shall remit the fee to the party in possession of the record if the party duplicated the record.

Fees

Paper copies shall be \$.25 per page per side for black and white copies up to the first 1,000 pages and \$.20 beyond 1,000 pages and 4.50 for color copies. The certification of a record is \$5 per record. Specialized documents, including but not limited to blueprints, color copies, and nonstandard-sized documents, shall be charged the actual cost of production. If mailing is requested, the cost of postage will be charged. All fees must be paid before documents will be released. Prepayment is required if the total fees are estimated to exceed \$100. Porter Township's Open Records Officer may include additional fees as provided in the Office of Open Record's Fee Schedule.

Response

The Open Records Officer shall make a good-faith effort to provide the requested public record(s) as promptly as possible and within the RTKL's five business day timeframe. If the Open Records Officer cannot do so within five business days, he or she is permitted to exercise a 30-day extension upon notifying the requester. The Open Records Officer shall cooperate with those requesting records to review and/or duplicate original documents while taking reasonable measures to protect original documents from the possibility of theft, damage, and/or modification. If the request is denied, the Open Records Officer will send the requester a letter stating 1) a description of the record requested; 2) the specific reasons for the denial, including a citation of supporting legal authority; 3) contact information for the Open Records Officer; 4) the date of the response; and 5) the procedure to appeal the denial.

Contact Information for Appeals

If a written request is denied, the requester has the right to file an appeal in writing to Executive Director, Office of Open Records, 333 Market St., 16th Floor, Harrisburg, PA 17101.

Appeals Process

Appeals must be filed within 15 business days of the mailing date of the township's response. Please note that a copy of the requester's original request and the township's denial letter must be included when filing an appeal. The law requires an appeal to include reasons why the record is a public record and to address the reasons for denial that the township stated in its denial letter. Visit Office of Open Records' website at www.openrecords.pa.gov for additional information on filing an appeal.

Adopted by the Board of Supervisors of the Township of Porter this 4th day of August, 2025

Porter Township Supervisors



