

Pennsylvania's New Right To Know Law

On February 14, 2008, Governor Edward G. Rendell signed into law Act 3 of 2008, which amends Pennsylvania's Right To Know Law. The Right To Know Law governs access to public records maintained by Commonwealth, local, judicial, and legislative agencies, including public school districts. The Right To Know Law provides that a public record, legislative record, or financial record shall be accessible for inspection and duplication in accordance with the Act. Under the recent amendments to the Right To Know Law, a record in the possession of a Commonwealth agency or local agency is presumed to be a public record, subject to disclosure, unless the record falls within one of the thirty enumerated categories of exemptions set forth in the Act, is protected by a privilege, or is exempt from disclosure under any other federal or state law or regulation or judicial order or decree. The recent amendments to the Right To Know Law also establish new procedures for requesting access to public records under the Right To Know Law and for appealing denials to any such request.

In accordance with the Right To Know Law, Cumberland Valley School District has appointed an Open Records Officer. The Open Records Officer is responsible for receiving all requests submitted to the School District pursuant to the Right To Know Law, directing such requests to the appropriate persons within the School District, tracking the School District's progress in responding to any such requests, and issuing interim and final responses to the requests. Cumberland Valley School District has adopted a Public Record Review Duplication Request Form, available on our website, which requesters should use when requesting access to and duplication of public records. Requesters may also utilize the uniform form developed by the Pennsylvania Office of Open Records when requesting access to and duplication of public records. Cumberland Valley School District may charge duplication and certification fees, based upon the fee schedule approved by the Pennsylvania Office of Open Records.

Upon receipt of a written request for access to a record, the School District will make a good faith effort to determine if the record requested is a public record in the School District's possession as promptly as possible under the circumstances existing at the time of the request. In all cases, the School District will make a good faith effort to respond within five (5) business days from the date of receiving the written request. If the School District fails to send a response within five (5) business days, the written request for access shall be deemed denied. In some cases, the School District may extend the period in which to respond to a record request up to thirty (30) days. Reasons for extending the response time include, but are not limited to:

- the records require redaction;
- access requires the retrieval of a record stored in a remote location;
- access cannot be accomplished due to a bona fide and specified staffing limitation;
- a legal review is necessary to determine whether the record is a subject to access under the Act;
- the requester has not complied with the School District's policies regarding access to records;
- the requester refuses to pay applicable fees; or the extent or nature of the request precludes a response within the required time period.

The Right To Know Law further provides for an appeal process in the event a request is denied. If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the Office of Open Records within fifteen (15) business days of the mailing date of the School District's response or within fifteen (15) days of a deemed denial. The appeal must state the grounds upon which the requester asserts that the record is a public

record, legislative record or financial record and shall address any grounds stated by the school district for delaying or denying the request.

If you have any questions regarding the Right To Know Law or Cumberland Valley School District Policy 801, please contact Tracy Panzer, Open Records Officer, at (717) 506-3388.

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