



BOROUGH of KENNETT SQUARE

OPEN RECORDS POLICY and PROCEDURES

I. CONTACT INFORMATION:

Open Records Officer

Rachel J. Berkowitz
120 Marshall Street
Kennett Square PA 19348
610.444.6020, ext. 108
610.444.9385
E-mail: rberkowitz@kennettsq.org

Appeals Officer

Office of Open Records
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225
Fax: 717.425.5343
E-mail: openrecords@pa.gov

II. REQUEST FORM: Please see the last page of this document.

III. REQUESTS: Requests must be submitted in writing using the Borough's form (last page of this document) or the State's Standard Right-To-Know Request Form and submitted to the Open Records Officer. Requests shall identify or describe the records sought with sufficient specificity to enable Borough of Kennett Square to ascertain which records are being requested. Requests must be in writing however they may be submitted via email, U.S. Mail, Facsimile or In-Person.

IV. FEES: Fees associated with the processing of requests are set by the Pennsylvania Office of Open Records. All fees must be paid before access to the records is granted. The Borough of Kennett Square's fee for copying is 25¢ per single page.

V. RESPONSE: Borough of Kennett Square will make a good faith effort to provide the requested records as promptly as possible under the circumstances. As soon as possible, but no later than five (5) business days after actual receipt of a request, the Open Records Officer will respond to the request in a manner consistent with the Pennsylvania Right-To-Know Law. In the event that Borough of Kennett Square fails to timely respond, the request shall be deemed denied.

The Open Records Officer shall, upon receipt of a request, determine if one of the following applies:

- (1) The request for access requires redaction of a record in accordance with section 706;
- (2) The request for access requires the retrieval of a record stored in a remote location;



- (3) A timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations;
- (4) A legal review is necessary to determine whether the record is a record subject to access under this act;
- (5) The requester has not complied with the agency's policies regarding access to records;
- (6) The requester refuses to pay applicable fees authorized by this act; or
- (7) The extent or nature of the request precludes a response within the required time period.

If one of these enumerated circumstance applies, the Open Records Officer will send written notice to the requester within five (5) business days of receipt of the request indicating that (A) the request is being reviewed; (B) the reason for the review; (C) a reasonable date that a response is expected to be provided; and (D) an estimate of applicable fees owed when the record becomes available. A response shall be given within 30 days from the date of mailing of the notice. In the event that the Borough of Kennett Square fails to timely respond, the request shall be deemed denied unless the requester agrees in writing to an extension.

VI. DENIAL: If the Borough of Kennett Square denies the request, whether in whole or in part, the denial shall be issued in writing and shall include:

- (1) A description of the record requested.
- (2) The specific reasons for the denial, including a citation of supporting legal authority.
- (3) 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.



(4) Date of the response.

(5) The procedure to appeal the denial of access.

VII. APPEALS PROCESS: If a written request is denied or deemed denied, the requester may file an appeal with the Office of Open Records:

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

within 15 business days of the mailing date of the Borough of Kennett Square's denial or deemed denial. The appeal shall state the grounds upon which the requester asserts that the record is a public record or financial record and shall address any grounds stated by the agency for delaying or denying the request.

Within 30 days of the mailing date of the final determination of the Office of Open Records, a requester or the Borough of Kennett Square may file a petition for review or other document as required by the rules of court with the Court of Common Pleas of Chester County.



Number Assigned to Request: _____
(For Borough Use ONLY)

RIGHT-TO-KNOW REQUEST FORM

Date of Request: _____ Submitted via: Email U.S. Mail Fax In-Person

Requester's Name: _____ Telephone: _____

Requester's Street Address: _____

City: _____ State: _____ Zip Code: _____

Email: _____

RECORDS REQUESTED: (Please provide as much detail as possible to identify and/or describe the records being requested. Use additional sheets if necessary. The cost for paper copies is 25¢ per page. Requests for 100 pages or more must be paid in advance.)

- Do you want copies? Yes, electronic copies preferred
 Yes, printed copied preferred
 No, in-person inspection of record preferred.

IT IS THE POLICY OF THE BOROUGH OF KENNETT SQUARE THAT ALL RIGHT-TO-KNOW REQUESTS MUST BE SUBMITTED IN WRITING TO:

*Rachel J. Berkowitz, Open Records Officer
Borough of Kennett Square
120 Marshall Street
Kennett Square PA 19348*

*Phone: 610.444.6020
Facsimile: 610.444.9385
Email: rberkowitz@kennettsq.org*

(This portion to be completed by Borough of Kennett Square personnel ONLY)

Date Request Received: _____

Response Date: _____
(Within 5 business days – Day 1 being day after request was received)

Department Assigned to: _____

Date: _____

30-Day Extension Evoked? Yes No If Yes, Final Due Date: _____

Date and Time Requestor Contacted: _____ By: _____

Date Records Reviewed by Requestor: _____ By: _____