

### **Purpose**

The Board of Trustees ("Board") recognizes the importance of public records as the record of the Sylvan Heights Science Charter School's ("School") actions and the repository of information about this School. The public has the right to access and procure copies of public records, with certain exceptions, subject to law, Board policy and administrative regulations.

Nothing in this policy is intended to modify, rescind or supersede any records retention and disposition schedule established pursuant to law and Board policy.[1]

### **Definitions**

**Financial record** - any account, voucher or contract dealing with the receipt or disbursement of funds or acquisition, use or disposal of services, supplies, materials, equipment or property; or the salary or other payments or expenses paid to an officer or employee, including the individual's name and title; and a financial audit report, excluding the audit's underlying work papers.[2]

**Public record** - a record, including a financial record that is not protected by a defined privilege or is not exempt from being disclosed under one of the exemptions in Pennsylvania's Right-to-Know Law or under other federal or state law or regulation, or judicial decree or order.

**Record** - information, regardless of physical form or characteristics, that documents a School transaction or activity and is created, received or retained pursuant to law or in connection with a School transaction, business or activity, including: a document; paper; letter; map; book; tape; photograph; film or sound recording; information stored or maintained electronically; and a data-processed or image-processed document.

**Response** - the School's notice informing a requester of a granting of access to a record or the School's written notice to a requester granting, denying, or partially granting and partially denying access to a requested record.

**Requester** - a legal resident of the United States, or an agency, who requests access to a record.

### **Authority**

The Board shall make the School's public records available for inspection and duplication to a requester, in accordance with law, Board policy and administrative regulations.[3][4][5][6]

The Board may, at its discretion, direct the School's administration to make certain public records available through a publicly accessible electronic means.<sup>[7]</sup>

### **Delegation of Responsibility**

The Board shall designate an Open Records Officer, who shall be responsible to:<sup>[9]</sup>

1. Receive written requests for access to records submitted to the School;
2. Review and respond to written requests in accordance with law, Board policy and administrative regulations;
3. Direct requests to other appropriate individuals in the School or in another agency;
4. Track the School's progress in responding to requests. Issue interim and final responses to submitted requests; and
5. Ensure the School's staff are trained as necessary to perform assigned job functions relative to requests for access to records.

Upon receiving a request for access to a record, the Open Records Officer shall:<sup>[9][18][25]</sup>

1. Note the date of receipt on the written request;
2. Compute and note on the written request the day on which the five-day period for response will expire;
3. Maintain an electronic or paper copy of the written request, including all documents submitted with the request, until the request has been fulfilled; and
4. If the written request is denied, maintain the written request for thirty (30) days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied.

### **Guidelines**

Requesters may access and procure copies of the public records of the School during the regular business hours of the administration offices.<sup>[6]</sup>

A requester's right of access does not include the right to remove a record from the control or supervision of the Open Records Officer.

The School shall not deny a requester access to a public record to the intended use of the public record by the requester unless otherwise provided by law.

When responding to a request for access, the School is not required to create a record that does not exist nor to compile, maintain, format or organize a record in a manner

which the School does not currently compile, maintain, format or organize the record. [\[10\]](#)

Information shall be made available to individuals with disabilities in an appropriate format, upon request and with sufficient advance notice. [\[11\]](#)[\[12\]](#)[\[13\]](#)

The School shall post at the administration office and on the School's web site the following information: [\[5\]](#)[\[14\]](#)

1. Contact information for the Open Records Officer;
2. Contact information for the state's Office of Open Records or other applicable appeals officer;
3. A form which may be used to file a request, with a notation that the state Office of Open Records form may also be used if the School decides to create its own form; and
4. Board policy, administrative regulations and procedures governing requests for access to the School's public records.

#### Request for Access

A written request for access to a public record shall be submitted on the required form(s) and addressed to the Open Records Officer. [\[5\]](#)[\[14\]](#)[\[15\]](#)

Written requests may be submitted to the School in person, by mail, to a designated facsimile machine, and to a designated e-mail address.

Each request must include the following information: [\[6\]](#)[\[15\]](#)

1. Identification or description of the requested record with sufficient specificity to enable the School to ascertain which records are being requested;
2. Medium in which the record is requested; and
3. Name and address of the individual to which the School should address its response. If a request does not include a name and address, the School will treat the request as an anonymous request and will not respond to the request.

The School shall not require an explanation of the reason for the request or the intended use of the requested record, unless otherwise required by law. [\[15\]](#)

#### Fees

Except for the duplication fee established by the state, the Board shall approve a list of reasonable fees relative to requests for public records. The School shall maintain a list of applicable fees on the School's website and disseminate the list to requesters. [\[16\]](#)

The School may impose a fee when it necessarily incurs costs for complying with the request and such fees are reasonable. No fee may be imposed for review of a record to determine whether the record is subject to access under law.[\[16\]](#)

Prior to granting a request for access, the School may require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed \$100.[\[16\]](#)

The Principal may waive duplication fees when the requester duplicates the record or the Principal deems it is in the public interest to do so.[\[16\]](#)

### Response to Request

School employees shall be directed to immediately forward requests for access to public records to the Open Records Officer.[\[9\]\[17\]](#)

Upon receipt of a written request for access to a record, the Open Records Officer shall make a good faith effort to determine if the requested record is a public record and if the School has possession, custody or control of that record.[\[18\]](#)

The Open Records Officer shall respond as promptly as possible under the existing circumstances, and the initial response time shall not exceed five (5) business days from the date the written request is received by the Open Records Officer.[\[18\]](#)

The initial response shall grant access to the requested record; deny access to the requested record; partially grant and partially deny access to the requested record; notify the requester of the need for an extension of time to fully respond; or request more detail from the requester to clearly identify the requested material.

If the School fails to respond to a request within five (5) business days of receipt of the written request for access, the request for access shall be deemed denied.[\[18\]](#)

### Extension of Time

If the Open Records Officer determines that an extension of time is required to respond to a request, in accordance with the factors stated in law, written notice shall be sent within five (5) business days of receipt of request. The notice shall indicate that the request for access is being reviewed, the reason for the review, a reasonable date when the response is expected, and an estimate of applicable fees owed when the record becomes available.[\[18\]\[19\]](#)

Permitted reasons for which the Open Records Officer may impose an extension shall be limited to the following:[\[19\]](#)

- 1.The request requires redaction of a record.
- 2.The request requires the retrieval of a record stored in a remote location.
- 3.A timely response to the request cannot be accomplished due to bona fide and specified staffing limitations.

4.A legal review is necessary to determine whether the record is a public record subject to access under law.

5.The requester has not complied with Board policy regarding access to records or refuses to pay the applicable fees.

6.The extent or nature of the request precludes a response within the required time period.

Up to a thirty (30) day extension, following five (5) business days allowed for the initial response, for one (1) or more of the listed reasons does not require the consent of the requester. If the date of the response exceeds thirty (30) days following the five (5) business days from the initial response, the request for access shall be deemed denied.

A requester may consent in writing to an extension that exceeds thirty (30) days, in which case the request shall be deemed denied on the day following the date specified in the notice if the Open Records Officer has not provided a response by that date.

#### Granting of Request

If the Open Records Officer determines that the request will be granted, the response shall inform the requester that access is granted and either include information on the regular business hours of the administration office, provide electronic access, provide copies of the requested records or state where the requester may go to inspect the records or information electronically at a publicly accessible site.

A public record shall be provided to the requester in the medium requested if it exists in that form; otherwise, it shall be provided in its existing medium. However, the School is not required to permit use of its computers.[\[6\]](#)

The Open Records Officer may respond to a records request by notifying the requester that the record is available through publicly accessible electronic means or that the School shall provide access to inspect the record electronically. If the requester, within thirty (30) days following receipt of the School's notice, submits a written request to have the record converted to paper, the School shall provide access in printed form within five (5) days of receipt of the request for conversion to paper.[\[6\]](#)[\[7\]](#)

A public record that the School does not possess but is possessed by a third party with whom the School has contracted to perform a governmental function and which directly relates to that governmental function and is not exempt under this act shall be considered a public record of the School. When the School contracts with such a third party, the School shall require the contractor to agree to comply with requests for such records and to provide the School with the requested record in a timely manner to allow the School to comply with law.[\[20\]](#)

If the Open Records Officer determines that a public record contains information both subject to and not subject to access, the Open Records Officer shall grant access to the information subject to access and deny access to the information not subject to access. The Open Records Officer shall redact from the record the information that is not subject to access. If the information which is not subject to access is an integral part of

the public record and cannot be separated, the Open Records Officer shall not deny access to a record if information is able to be redacted.[\[21\]](#)

If the Open Records Officer responds to a requester that a copy of the requested record is available for delivery at the administration office and the requester does not retrieve the record within sixty (60) days of the School's response, the School shall dispose of the copy and retain any fees paid to date.[\[22\]](#)

#### Maintaining Integrity of Records

In order to maintain the integrity of its public records, the School may impose reasonable rules and standards for persons inspecting such records. Such rules will be communicated to the requester prior to the inspection of the School's records. Examples include, but are not limited to: prohibiting requesters from eating or drinking while inspecting records; and requiring a School employee to be present during inspections. The School may discontinue an inspection if the requester threatens, harasses or intimidates School employees; attempts to access records or an area of the facility the requester is not authorized to access; or if the School believes the requester may be compromising the integrity of the records in any way.

#### Notification to Third Parties

When the School produces a record that is not a public record in response to a request, the Open Records Officer shall notify any third party that provided the record to the School, the person that is the subject of the record, and the requester.[\[23\]](#)

The Open Records Officer shall notify a third party of a record request if the requested record contains a trade secret or confidential proprietary information, in accordance with law and administrative regulations.[\[23\]](#)

#### Denial of Request

If the Open Records Officer denies a request for access to a record, whether in whole or in part, a written response shall be sent within the time specified by law. The response denying the request shall include the following:[\[18\]](#)[\[24\]](#)

- 1.A description of the record requested;
- 2.The specific reasons for denial, including a citation of supporting legal authority.
- 3.The name, title, business address, business telephone number, and signature of the Open Records Officer on whose authority the denial is issued.
- 4.The date of the response.
- 5.The procedure for the requester to appeal a denial of access.

The Open Records Officer may deny a request for 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 School.[\[20\]](#)

The Open Records Officer may deny a request for access to a record when timely access is not possible due to fire, flood or other disaster. The Open Records Officer may deny a request for access to historical, ancient or rare documents, records, archives and manuscripts when access may cause physical damage or irreparable harm to the record. To the extent possible, a record's contents shall be made accessible even when the record is physically unavailable.[\[20\]](#)

Information that is not subject to access and is redacted from a public record shall be deemed a denial.[\[21\]\[24\]](#)

If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the state's Office of Open Records within fifteen (15) business days of the mailing date of the Open Records Officer's response or deemed denial.[\[25\]](#)

#### Legal

##### 1. Record Retention Policy

[2. 65 P.S. 67.102](#)

[3. 65 P.S. 67.302](#)

[4. 65 P.S. 67.305](#)

[5. 65 P.S. 67.504](#)

[6. 65 P.S. 67.701](#)

[7. 65 P.S. 67.704](#)

[9. 65 P.S. 67.502](#)

[10. 65 P.S. 67.705](#)

[11. 42 U.S.C. 12132](#)

[12. 28 CFR 35.160](#)

[13. 28 CFR 35.164](#)

[14. 65 P.S. 67.505](#)

[15. 65 P.S. 67.703](#)

[16. 65 P.S. 67.1307](#)

[17. 65 P.S. 67.702](#)

[18. 65 P.S. 67.901](#)

[19. 65 P.S. 67.902](#)

[20. 65 P.S. 67.506](#)

[21. 65 P.S. 67.706](#)

[22. 65 P.S. 67.905](#)

[23. 65 P.S. 67.707](#)

[24. 65 P.S. 67.903](#)

[25. 65 P.S. 67.1101](#)

[24 P.S. 518](#)

[65 P.S. 67.101 et seq](#)

[42 U.S.C. 12101 et seq](#)