

**MILLERSBURG BOROUGH
DAUPHIN COUNTY, PENNSYLVANIA**

RESOLUTION NO. 18-08

**A RESOLUTION UPDATING THE RIGHT-TO-KNOW POLICY
OF MILLERSBURG BOROUGH**

WHEREAS, the Millersburg Borough Council adopted Resolution No. 09-13 setting policy for responding to Right to Know requests in accordance with Act 3 of 2008, known as the Pennsylvania Right-to-Know Law; and

WHEREAS, Millersburg Borough intends to fully comply with both the letter and the spirit of the Pennsylvania Right-to-know Law; and

WHEREAS, certain amendments to the policy are necessary;

THEREFORE BE IT RESOLVED that the Right-to-Know policy of Millersburg Borough is amended as follows:

Open Records Officer

Millersburg Borough Council hereby designates Ann Bowman Jackson as the Borough's Open Records Officer and shall be registered with the Pennsylvania Office of Open Records as required by Act 3 of 2008. The Open Records Officer may be reached at 101 West Street, Millersburg PA, 17061. Phone: (717) 692-2389. Fax: (717) 692-5713. Email: mbgsec@comcast.net. Website: <http://millersburgpa.org/documents/right-to-know/>

General

All documents deemed public records shall be available for public inspection, retrieval and duplication at the Municipal Building during established business hours of 8:00 AM and 3:30 PM with the exception of weekends and legal Borough holidays. In accordance with Act 3 of 2008, formal requests shall be made in writing via fax, email, US mail, or in person on a form provided by the Borough. The Borough further reserves the right to make an electronic request form available on its official website.

Fees

Fees shall be in accordance with the most recent fee schedule adopted by the Millersburg Borough Council, excepting that fees charged shall not exceed any fees allowed by the Pennsylvania Office of Open Records. In the event that a particular fee is not covered by the most recent Borough fee schedule, the fee shall be the maximum allowable by the Pennsylvania

Office of Open Records. Unless otherwise changed by a future fee schedule, the cost of certification shall be \$1 per page. The Borough shall require prepayment if the total fees are estimated to exceed \$100.

Millersburg Borough shall not release requested records if the requester owes fees from previous Right-To-Know requests. Records may be released upon payment of past due fees.

Response

The Borough shall make a good-faith effort to provide the requested public record(s) as promptly as possible. The Open Records Officer shall cooperate with those requesting records to review and/or duplicate original Borough documents while taking reasonable measures to protect Borough documents from theft, damage and/or modification.

The Open Records Officer shall review all written requests for access to public records. As soon as possible, but no later than five (5) business days after receiving a written request to access public records, the Open Records Officer shall respond to such requests in writing, consistent with Act 3 of 2008. If access to a record is denied, the response shall include a reason for denial as stipulated in Act 3 of 2008.

Millersburg Borough reserves the right to invoke a 30 day extension as provided for in Act 3 of 2008.

The Open Records Officer is authorized to consult with the Borough Solicitor prior to granting any written requests for access to public records.

Contact Information for Appeals

If a written request is denied or deemed denied, the requestor may file an appeal in writing to Office of Open Records, 333 Market Street, 16th Floor, Harrisburg, PA 17126-0333. Website: <http://openrecords.pa.gov/>

Appeals Process

In accordance with Act 3 of 2008, all appeals must be made within 15 business days of the mailing date of the Borough's response or within 15 business days of a deemed denial. The appeal shall state the grounds upon which the requestor asserts the records is a public record and shall address any grounds stated by the Borough for delaying or denying the request. Additional guidance for filing appeals is available on the website of the Office of Open Records.

Requests for Criminal Records

Requests for criminal records shall be made to the Right –To-Know Officer, Dauphin County Office of the District Attorney, 101 Market Street, Harrisburg, PA 17101-2028. Appeals shall be


made to Open Records Appeals Officer, Dauphin County Office of the District Attorney, 101 Market Street, Harrisburg, PA 17101-2028.

RESOLVED this 13th day of February, 2018.

BOROUGH OF MILLERSBURG

ATTEST:

By: 
President of Council


Borough Secretary