

# Right to Know

Certain files kept on record by Chadds Ford Township are considered public information, except for Township records classified under **Section 708, "Exceptions for Public Records,"** of Pennsylvania's Right-to-Know Law (PA RTK). Please keep in mind the following sections of PA's RTK when making your request.

## **Section 701. Access.**

(a) General Rule. "Unless otherwise provided by law, a public record, legislative record or financial record shall be accessible for inspection and duplication in accordance with this act. A record being provided to a requester shall be provided in the medium requested if it exists in that medium; otherwise, it shall be provided in the medium in which it exists. Public records, legislative records or financial records shall be available for access during the regular business hours of an agency."

(b) Construction. "Nothing in this act shall be construed to require access to any computer either of an agency or individual employee of an agency."

## **Section 703. Written Requests.**

"A written request for access to records may be submitted in person, by mail, by email, by facsimile or, to the extent provided by agency rules, any other electronic means. A written request must be addressed to the open-records officer designated pursuant to Section 502. Employees of an agency shall be directed to forward requests for records to the open-records officer. A written request should identify or describe the records sought with sufficient specificity to enable the agency to ascertain which records are being requested and shall include the name and address to which the agency should address its response. A written request need not include any explanation of the requester's reason for requesting or intended use of the records unless otherwise required by law."

## **Section 705. Creation of Record.**

"When responding to a request for access, an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record."

## **Section 901. General Rule.**

"Upon receipt of a written request for access to a record, an agency shall make a good faith effort to determine if the record requested is a public record, legislative record or financial record and whether the agency has possession, custody or control of the identified record, and to respond as promptly as possible under circumstances existing at the time of the request. All applicable fees shall be paid in order to receive access to the record requested. The time for

response shall not exceed five business days from the date the written request is received by the open-records officer for an agency. If the agency fails to send the response within five business days of receipt of the written request for access, the written request for access shall be deemed denied."

### **Section 902. Extension of Time.**

(a) Determination. "Upon receipt of a written request for access, the open-records officer for an agency shall 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."

### **Section 903. Denial.**

If an agency's response is a denial of a written request for access, 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 under this act.

### **Section 1101. Filing of appeal.**

(a) Authorization.

(1) 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 or judicial, legislative or other appeals officer designated under section 503(d) within 15 business days of the mailing date of the agency's response or within 15 business days of a deemed denial. The appeal shall state the grounds upon which the requestor asserts that the record is a public record, legislative record or financial record and shall address any grounds stated by the agency for delaying or denying the request.

To make a formal request for a record from Chadds Ford Township, please complete a [Right-to-Know Uniform Request Form](#), and send it to: Emily Pisano, RTK Officer, Chadds Ford Township, 10 Ring Road, Chadds Ford, PA 19317 via regular mail or info [at] chaddsfordpa.gov (**email**). If reproduction fees apply due to your request, then see the Township's Fee Schedule.

You have a right to appeal, if the information you have requested from Chadds Ford Township is denied, in writing within 15 days of the Township's written denial to: Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225 or via the Office of Open Records [Online Appeal Form](#).