

TOWNSHIP OF POTTER

RESOLUTION No. ____ OF 2024

ESTABLISHING A POLICY GOVERNING RESPONSES TO ANONYMOUS REQUESTS MADE PURSUANT TO THE PENNSYLVANIA RIGHT-TO-KNOW LAW

WHEREAS, the act of February 14, 2008 (P.L. 6, No. 3), presently codified at 65 P.S. §§67.101-67.3104, as amended, known as the “Right-to-Know Law” (hereinafter, the “RTKL”), 65 P.S. §67.301 requires a political subdivisions and other “local agencies” to provide public records in accordance with the RTKL; and

WHEREAS, the Township of Potter (the “Township”) as a township, a body politic and corporate, and a political subdivision of the Commonwealth of Pennsylvania, formed under the act of May 1, 1933 (P.L. 103, No. 101), presently codified at 53 P.S. §§65101-65110, as amended, is a local agency pursuant to 65 P.S. §67.102; and

WHEREAS, the RTKL, 65 P.S. §67.102, limits requesters to a person or agency “that is a legal resident of the United States and requests a record pursuant to” the RTKL; and

WHEREAS, the RTKL, 65 P.S. §67.702, provides the Township with discretion to choose whether to fulfill anonymous verbal or written requests for access to records; and

WHEREAS, the Township has elected to exercise its discretion not to fulfill requests made anonymously, and to fulfill only those requests shown to be made by a valid requester under the RTKL; and

WHEREAS, the Township now desires to modify the current Potter Township Open Records Policy to reflect this election, and to otherwise bring the policy consistent with the RTKL;

NOW THEREFORE, be it resolved by the Board of Supervisors of the Township of Potter, County of Centre, Commonwealth of Pennsylvania, as follows:

- (1) The Potter Township Open Records Policy is hereby amended to reflect that, pursuant to the RTKL, 65 P.S. §67.702, the Township of Potter has elected to not fulfill anonymous verbal or written requests for information, and has otherwise revised the Potter Township Open Records Policy consistent with the depicted language attached hereto as Exhibit “A.”
- (2) This resolution shall take effect on the date of adoption specified below.
- (3) If any portion of the resolution herein is found to be unconstitutional, illegal, invalid, or void by a Court of competent jurisdiction, such unconstitutional, illegal, invalid, or void provision shall be deemed severable from the remainder of this resolution, which shall remain in full force and be given effect to the greatest extent permissible under the law.

(4) Any prior resolutions or parts of resolutions which are to the contrary, or which conflict with the provisions of this resolution are hereby rescinded to the extent necessary to give this resolution full force and effect.

ADOPTED this _____ day of _____, 2024, by the Board of Supervisors of Potter Township.

ATTEST:

POTTER TOWNSHIP SUPERVISORS:

Secretary

Chairman

Exhibit A

POTTER TOWNSHIP OPEN RECORDS POLICY

Requests

Public records will be available for inspection and copying at the Township Municipal Building during normal business hours, Monday through Friday, 8:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m., with the exception of holidays. Requests shall be in writing and directed to the Open Records Officer at the Township Municipal Building, 124 Short Road, Spring Mills, Pennsylvania, 16875. Written requests shall be on a form provided by the Township and shall include the date of the request, the name and address of the requester, and a clear description of the records sought.

Potter Township Open Records Officer: Lisa Kroner
124 Short Road Spring Mills, PA 16875
(814) 364-9176
Email: secretary@pottertownship.org

The act of February 14, 2008 (P.L. 6, No. 3), presently codified at 65 P.S. §§67.101-67.3104, as amended and known as the “Right-to-Know Law”, does not require the Township to accept anonymous requests, and the Township will refuse to accept anonymous requests. For the purpose of this section, an email request which does not contain a proper name or street address will be treated as an anonymous request.

How to Make Requests

Fees

Paper copies will be \$0.25 per page, per side. If mailing is requested, the cost of postage will be charged. If “True and Correct Certification” is requested, an additional charge of \$5.00 will be added. The Township will require prepayment if the total fees are estimated to exceed \$100.00.

Response

The Open Records Officer shall review all written requests for access to public records. As soon as possible, but no later than five business days after receiving a written request to access public records, the Open Records Officer shall respond to all such requests in a manner consistent with the Right-to-Know Law. The Township may take any appropriate action to protect its records from theft and/or alteration.

Appeals Process

If a written request is denied or deemed denied, the requester may file an appeal with the Office of Open Records within 15 business days of the mailing date of the Township’s denial. The appeal shall state grounds on which the requester asserts that the record is a public record and shall address any grounds stated by the Township for denying the request.

The requester may appeal a final determination of the Office of Open Records to the Common Pleas Court within 30 days of denial or final determination.

The Office of Open Records has a mailing address of: Commonwealth Keystone Building, 400 North Street, Plaza Level, Harrisburg, Pennsylvania, 17120-0225, Phone Number (717) 346-9903, and website: OpenRecords.state.pa.us, or e-mail: OpenRecords@state.pa.us

FORMS:

Open Records Request Form – Please Mail or Email your form to us.