



Lancaster County Tax Collection Bureau Policy Manual

SECTION: Operations

TITLE: Right to Know Records

ADOPTED: December 14, 2011

REVISED:

EFFECTIVE: January 1, 2012

302 RIGHT TO KNOW RECORDS

I. Purpose

The purpose of this policy is to establish procedures to ensure the Lancaster County Tax Collection Bureau (referred to herein as the "Bureau") complies with the requirements of the Right-to-Know Law, 65 P.S. § 67.101 *et seq.*, which allows legal residents of the United States to inspect and obtain copies of "public records."

II. Definitions

For purposes of this policy, the terms set forth below shall have the following meanings:

"Business day" means a calendar day in which the Bureau office is open for business, but does not include any day where the Bureau office is closed due to inclement weather, holidays, or emergencies.

"Financial Record" means any account, voucher, or contract dealing with the Bureau's or another agency's receipt or disbursement of funds, or the Bureau's or another agency's 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 of the Bureau or another agency, including the individual's name and title; or a financial audit report of the Bureau or another agency excluding the underlying work papers.

"Public Record" means a record, including a financial record, that: (i) is not exempt from disclosure under Pennsylvania's Right-to-Know Act; (ii) is not exempt from disclosure under any other federal or state law, regulation, judicial order, or decree; and (iii) is not protected by a privilege.

"Record" means information, regardless of physical form or characteristics, that documents a transaction or activity of the Bureau or another agency and that is created, received, or retained pursuant to law or in connection with a transaction, business, or activity of the Bureau or another agency. The term "record" includes 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.

"Requester" means any person who is a legal resident of the United States or an agency that requests access to a record under the Right-to-Know Law.

"Response" shall mean granting access to a record or written notice from the Bureau granting, denying, or partially granting and partially denying access to a record.



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III. Open Records Officer

The Bureau President will designate the Bureau employee who will be the Open Records Officer. The Open Records Officer is responsible for the following duties under this policy:

1. Receive, review, and respond to all written requests for access to records submitted to the Bureau.
2. If appropriate, direct requests to other persons within the Bureau or within another agency for a response.
3. Track the Bureau's progress in responding to requests for access to records.
4. Issue interim and final responses to submitted requests.
5. Maintain a log of all record requests and of the Bureau's responses.
6. Ensure appropriate Bureau staff are trained to perform assigned job functions relative to requests for access to records.

After receiving a written request for access to a public record, the Open Records Officer shall take the following steps in order to track the status and final disposition of the Bureau's response:

1. Note the date on which the written request was received by the Bureau.
2. Compute the day on which the five (5) business day period for the Bureau response will expire and make a notation of that date on the written request.
3. Maintain an electronic or paper copy of the written request, including all documents submitted with the request, at least until the request has been fulfilled.
4. If the written request is denied, in full or in part, maintain the written request for at least thirty (30) days or, if an appeal is filed to challenge the denial, until a final appellate determination is made.

IV. Requests for Access to Public Records

Any requester seeking access to or duplication of a public record from the Bureau must submit a written request addressed to the Open Records Officer. All Bureau employees must forward written requests for access to public records received by them to the Open Records Officer.

A requester must complete the Right-to-Know Request Form created by either the Bureau or the Pennsylvania Office of Open Records when submitting a written request. Copies of the



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Bureau form may be obtained by request, or on the Bureau's official website. The written request must identify or describe the public record sought with sufficient specificity to allow the Open Records Officer to determine which record is being requested, the medium in which the record is requested, and the name and address to which the Bureau should send its response.

The Bureau may accept or reject verbal requests for public records in any case. A verbal request shall not be considered an official request requiring a Bureau response under Appendix 1 of this policy.

Any requester may submit a written request to the Open Records Officer on a prescribed Right-to-Know Request Form in person, by regular mail, by facsimile, or by email as set forth in the attachment to this policy.

The Open Records Officer may not require a requester to explain the reason for a record request, or the intended use of the record being requested.

The Bureau reserves the right to deny a requester access to a public record if the requester has repeatedly requested the same record, the record has already been provided to the requester, and the repeated requests are unreasonably burdensome on the Bureau.

When in receipt of sufficient advance notice, the Bureau shall cooperate with requesters with disabilities to make public records available in an appropriate format.

V. Requests for Bureau Records in the Possession of Another Party

A record that is not in the possession of the Bureau, but is in the possession of a party which the Bureau has retained to perform responsibilities on behalf of the Bureau, is a public record of the Bureau when the record directly relates to the Bureau's tax-collecting operation and is not otherwise exempt from public disclosure. A written request for a record in possession of a party retained by the Bureau shall be submitted to the Open Records Officer.

The Open Records Officer shall process the request for such a record identically to all other record requests. The Open Records Officer may assess a duplication fee to make the record available to the requester, if the Bureau duplicated the record in order to make it accessible for public inspection.

VI. Bureau Response to Written Request

The Open Records Officer will respond to a written request within five (5) business days after receipt. During that period, the Open Records Officer will make a good faith effort to locate the requested record, determine if it is a public record, redact any confidential portions to allow for disclosure, and prepare an appropriate response.

A Bureau response may take any of the following forms:



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1. A decision that the requested record is a public record and allowing the requester to inspect and obtain a copy of the public record, in whole or in part. If the requested record is on the Bureau's official website, the response should also explain how to access the information. Alternatively, the requested record may be provided with the response.
2. A partial or total written denial explaining why the requested record, or a portion of the requested record, is not a public record.
3. A written decision explaining the requested record does not exist.
4. A written notice explaining the request is under review and that a final determination can be expected within thirty (30) calendar days from the date of the notice.

A denial of a request shall be in writing and shall include the following information:

1. A description of the requested record.
2. The specific reason for the denial, including a citation of supporting legal authority.
3. The name, title, address, telephone number, and signature of the Open Records Officer under whose authority the denial is issued.
4. The date of the response.
5. An explanation of the procedure to appeal the denial.

A written notice explaining a request is under review must set forth the reasons for the review and list a date when a final response can be expected; the listed date shall be within thirty (30) calendar days from the date of the written review notice. The Bureau may review a request if any of the following applies:

1. The requested record requires redaction.
2. The request requires the Bureau to retrieve records stored in a remote location.
3. The Bureau cannot timely respond due to bona fide and specified staffing limitations.
4. Legal review is necessary to determine if the record is a public record.
5. The request does not comply with Bureau policies regarding access to records.



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6. The requester has failed to pay applicable fees.
7. The extent or nature of the request makes it impossible to respond within the required time period.

The Open Records Officer shall make a final determination regarding a written request within thirty (30) days from the date of written notice explaining a request is under review.

If the Open Records Officer does not provide the requester with a written response within the applicable time period (whether it be the initial five [5] day period, or the thirty [30] day review period), the written request is deemed denied and the requester may file an appeal within fifteen (15) business days of the expiration of the applicable time period, as provided by Section XI of this policy.

In addition, if the Bureau produces a non-public record in response to a written request, the Open Records Officer shall notify the third-party that provided the record to the Bureau, the person that is the subject of the record, and the requester.

In the event a requested record contains a third-party's trade secret or confidential proprietary information and the interested third-party filed the written statement required by the administrative regulations, the Open Records Officer shall notify the interested third-party of the request and will follow the other procedures in the administrative regulations for processing requests for third-party trade secret or confidential proprietary information in responding to the request.

The Open Records Officer may consult with the Bureau solicitor before responding to a Right-to-Know Law request.

VII. Redacting Records to Allow for Public Access

If a requester seeks access to a record which contains both public and confidential information, the Bureau shall grant access to the public information contained in that record and redact the confidential information that need not be disclosed under the Right-to-Know Law, if it is possible to redact the confidential information. The Bureau may provide public information contained in a redacted record in a format of its choice that will allow for timely disclosure of public information, while simultaneously protecting against the release of confidential information. If the confidential information is a critical part of the record and cannot be separated, the Bureau shall deny access to the entire record requested.

A person's social security number; driver's license number; personal financial information; home, cellular or personal telephone numbers; personal e-mail addresses; employee numbers and other confidential personal identification numbers; the name of a person's spouse or a person's marital status; a person's beneficiary or dependent information; and the home addresses of law enforcement officers and judges are generally not subject to public



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disclosure. The Bureau will redact this information from a record that would otherwise be considered a public record.

Nothing in this Section shall prohibit the Bureau from releasing the name, position, salary, actual compensation, or other payments made to a Bureau employee or Board of Directors member. Nothing in this Section shall prohibit the Bureau from disclosing any employment contracts with, employment-related contracts with, or the length of service of a Bureau employee or Board of Directors member.

The Open Records Officer shall consult the Bureau's administrative regulations under this policy when deciding what information may be redacted from a public record.

If the Bureau redacts information from any record, this redaction constitutes a partial denial of the record request, and the Open Records Officer will provide the requester with a written response regarding the partial denial, as provided in Section VI of this policy.

VIII. Electronic Access to Public Records

The Bureau may make public records available through its official website. When a request is made for a public record already available through the Bureau website, the Open Records Officer may respond by directing the requester to the website. If the requester is unwilling or unable to access the Bureau website, the requester may within thirty (30) days of the Bureau's response submit a written request to have the record converted to paper. If such a request is made, the Bureau shall provide access to the public record in printed form within five (5) days of the written request.

The Bureau will permit electronic access to a public record if the requester requests electronic access and the record exists in electronic form. The Bureau is not required to permit use of its computers for purposes of electronic access.

If a requester makes a written request to access a public record in electronic form, and the public record exists in that medium, the Bureau will provide access in one of the following formats:

1. On a computer disk containing the record.
2. In an e-mail containing an attachment or link to the record.
3. In a redacted copy of an electronically-stored record, if confidential information must be redacted from the record to permit access to the public information contained in the record.



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IX. Inspection of Public Records

After determining that a record requested is a public record, the Bureau will allow inspection and duplication. The Bureau will provide access in a requested medium if the record exists in that medium. The Bureau need not create documents, but will provide access to public records in their existing formats. The Bureau shall not charge a fee if a requester only seeks to inspect a public record, except where conversion from electronic to paper form is required.

The inspection of a public record by a requester shall take place at the Bureau office during regular business hours, unless the Bureau designates an alternative location in advance.

No public record shall be removed from the control or supervision of the Bureau, with the exception of copies the Bureau creates and delivers to a requester under the terms of this policy. In order to preserve the integrity of public records, the Bureau will take reasonable steps to ensure a requester does not alter, deface, or otherwise damage public records. Such reasonable steps may include, but are not limited to: the prohibition of eating and drinking when inspecting public records; monitoring of a requester who is inspecting public records; and immediate termination of public records inspection if the Bureau reasonably believes the requester's conduct would result in damage to the public records.

A requester will comply with all Bureau rules and procedures applicable to the public when present at the Bureau office. The Bureau may ask a requester to leave its office if the requester engages in conduct which materially disrupts the operations of the Bureau, accesses, or attempts to access unauthorized areas of the Bureau office or records system, or threatens, harasses, or intimidates Bureau staff.

X. Duplication and Fees

If requested, a public record will be duplicated for the requester.

Generally, a requester seeking a duplicate of a public record is required to appear in person at the Bureau office. If the Bureau decides it is appropriate to do so, it may mail or otherwise deliver duplicates of public records to a requester.

The Bureau will charge fees consistent with the maximum charges established by any duly-promulgated regulations of the Pennsylvania Office of Open Records. The Bureau will attach to this policy a schedule of fees, which may be revised in accordance with Open Records Office regulations.

The total sum owed shall be paid before the public record is given to the requester. If the duplication or transmission of a public record will cost one hundred dollars (\$100) or more, that fee must be paid in advance of the request being processed.



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The Bureau may decide to waive fees associated with the reproduction or delivery of public records if it deems it is in the public interest to do so.

If the Open Record Officer makes copies of a public record in response to a written request, and the requester fails to pick up the copies within sixty (60) days of the Bureau notifying the requester that the copies are available, the copies may be discarded and the Bureau may retain any fees already paid by the requester.

XI. Filing of Appeals

If a requester wishes to challenge the written or deemed denial of a written request for a record, the requester must file an appeal with the Pennsylvania Office of Open Records within fifteen (15) business days from the date of the written or deemed denial. The appeal shall: 1) be in writing; 2) state the reasons why the requester believes the requested record is a public record; and 3) address the Bureau's stated reasons for delaying or denying the written request.

XII. Posting of Policy

The Bureau shall post the following information at its office in an area accessible to the public and on its official website:

1. Contact information for the Bureau's Open Records Officer.
2. Contact information for the Pennsylvania Office of Open Records.
3. A copy of the Bureau form that may be used to file a request.
4. A copy of this policy with appendices, and the administrative regulations.



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Appendix 1 – Right-to-Know Law Contact Information

Contact Information for the Bureau Open Records Officer

Name: Terry L. Hackman

Title: Executive Director

Mailing Address: 1845 William Penn Way, Lancaster, PA 17601

Facsimile Number: (717)-569-1623

E-mail Address: OpenRecordsOfficer@lctcb.org

Contact Information for Pennsylvania Office of Open Records

Address: Commonwealth of Pennsylvania
Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17120-0225
717-346-9903

Email: openrecords@state.PA.us



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Appendix 2 – Request Submissions

The Bureau's Right-to-Know Law request form is available at the Bureau website at www.lctcb.org.

Right-to-Know Law record requests may be submitted using any of the following delivery methods:

In person: At the Bureau office located at 1845 William Penn Way, Lancaster, PA 17601, on any business day during regular business hours.

By regular mail: Sent to the attention of the Open Records Officer at the Bureau office located at 1845 William Penn Way, Lancaster, PA 17601.

By facsimile: Sent to the attention of the Open Records Officer at the following facsimile number: (717)-569-1623. A written request sent via facsimile will not be considered submitted until a complete, accessible, and legible copy of the facsimile is received by the Open Records Officer.

By e-mail: Sent to the attention of the Open Records Officer at OpenRecordsOfficer@lctcb.org. An e-mail will not be considered submitted until a complete, accessible, and legible copy of the e-mail is received by the Open records Officer.



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Appendix 3 – Fee Schedule

The Bureau will charge the following fees relating to public records:

1. Paper copying standard size – **25¢ per page**
2. Certified copy – **\$5 per certified copy**
3. Mailing – **actual mailing cost**

The Bureau may waive fees in circumstances it deems appropriate.



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Appendix 3A – Detailed Fee Schedule

The Bureau is required to provide a public record in a requested medium only if the record exists in that medium. For example, if a request is made for an electronic copy of a paper record that is not held in electronic form, the Bureau may provide an electronic copy, but is not required to do so. The Bureau is not required to use a specific method of transmission. For example, if the Bureau makes available for inspection and photocopying a record that is held only on paper, it is not required to then e-mail or fax a duplicate.

The Bureau will charge the following fees relating to public records:

1. Paper copying standard size – **25¢ per page**. This fee applies anytime a record is copied to fulfill a request, including photocopying of a paper record or printing a copy of an electronic record. The Bureau will charge a duplication fee for copies of redacted material it must make in order for a requester to view a public record. However, if the requester chooses to obtain these copies, the Bureau will not charge an additional fee.
2. Electronic copying – Electronic copies may be provided by e-mail attachment. There will be no fee unless the Bureau must make a tangible copy of a record (either by photocopy or print) to fulfill the request. If the Bureau must make a tangible copy, the fee is **25¢ per page**. [**Note:** If the Bureau transmits an electronic copy using a more expensive medium such as computer disk, the Bureau may only charge 25¢ per page if it was required to make a tangible copy to fulfill the request unless the requester asks for duplication in the more expensive medium, in which case the Bureau may provide the copy in an electronic format of its choice (and charge the 25¢ per page only if a tangible copy was made) or may provide a copy in the more expensive medium and charge the actual cost.]
3. Certified copy – **\$5 per certified record** regardless of the number of pages, plus any applicable duplication fees. If a requester asks for certification of multiple records, a separate charge will be assessed for each record certified.
4. Mailed copy – If a request is made for mailing and the Bureau chooses to mail the copy instead of requiring personal pickup, the requester will pay the actual cost of postal fees plus any applicable duplication fees. [**Note:** Mailing is not required.]
5. Facsimile transmission – If a request is made for facsimile transmission and the Bureau chooses to fax the copy instead of requiring personal pickup, the requester will pay the actual cost of facsimile plus any applicable duplication and certification fees. [**Note:** Facsimile is not required.]



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6. Duplication in special formats – If a request is made for duplication in a special format and the Bureau chooses to comply, the fee will be the actual cost. Specialized formats include, but are not limited to, removable electronic storage devices, color copies, and non-standard sized documents. [**Note:** Duplication in special formats is not required.]

The Bureau may waive fees in circumstances it deems appropriate. If the Bureau receives a request for personal inspection of a record, but decides it is more convenient to mail, fax, or e-mail a copy of the record, the Bureau may waive the fees associated with duplication and transmission.