

RESOLUTION NO. 2024-017

EAST UNION TOWNSHIP, SCHUYLKILL COUNTY, PENNSYLVANIA

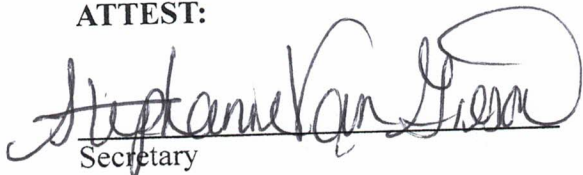
**A RESOLUTION OF THE EAST UNION TOWNSHIP BOARD OF SUPERVISORS
ADOPTING A RIGHT TO KNOW LAW POLICY**

WHEREAS, 65 P.S. § 67.504(a) of the Pennsylvania Right to Know Law ("RTKL") authorizes municipalities to adopt policies for the implementation of the RTKL;


WHEREAS, the township wishes to update and replace its existing policy with the following policy for the implementation for the RTKL; and


NOW THEREFORE, BE IT RESOLVED, that the board of supervisors do hereby adopt the policy attached hereto as Exhibit "A" pursuant to 65 P.S. § 67.504(a) effective immediately following the date of adoption being October 7, 2024.

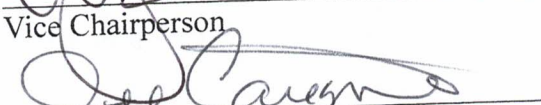
ATTEST:


Secretary

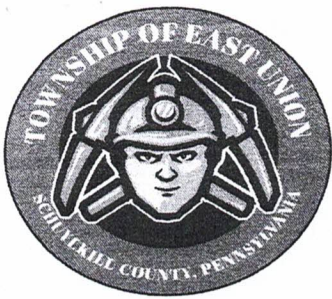
**EAST UNION TOWNSHIP BOARD
OF SUPERVISORS:**


Chairperson


Vice Chairperson


Supervisor





Township of East Union Right-to-Know Law Policy

I. Authority

East Union Township ("Township") adopts this policy pursuant to Section 504(a) of the Right-to-Know Law, 65 P.S. §§ 67.101-67.3104 ("RTKL"). The Township has made this policy available to the public at the East Union Municipal Building (10 East Elm Street, Shepton, PA 18248) and on its website (www.eastuniontownship.com) along with the RTKL Uniform Request Form. See 65 P.S. § 67.504(b) (relating to agency posting requirements under the RTKL).

II. Definitions

All of the definitions set forth in the RTKL are incorporated into this policy by reference. See 65 P.S. § 67.102. The Township Open Records Officer is designated by the Township pursuant to Section IV of this policy. Business day. The regular business hours of the Township are those as posted at the Township building and/or on its website or other social media. Business days exclude Saturdays, Sundays, Holidays, and a weekday on which the Township is closed for business.

III. Township Website

The Township maintains a public website (www.eastuniontownship.com). Many of the records most commonly requested from the Township are available on the website. The following information is or will be posted on the Township's website: contact information for the Township Open Records Officer, Alternate Open Records Officer, Pennsylvania Office of Open Records. Also included on the Township's website: Standard Right-to-Know Law Request Form which may be used to file a RTKL request and a copy of this policy.

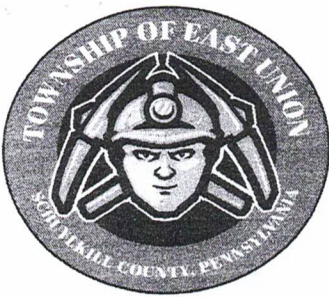
IV. Submitting a RTKL Request to the Township

Open Records Officer. The Township has designated an Open Records Officer and may in its discretion appoint an Alternate Open Records Officer to respond to RTKL requests.

A. Request. Requests must be submitted in writing using the RTKL Uniform Request Form available on the Township's website and must be addressed to the Township Open Records Officer. If a requester chooses not to use the RTKL Uniform Request Form, the request will be considered an informal request, not subject to the RTKL. This means that the requester cannot pursue the relief and remedies provided for in the RTKL.

To allow the Township to locate requested records and determine whether those records are public, requests for records should be specific and concise and clearly identify, as precisely as possible, the records sought. See 65 P.S. § 67.703. Requesters should clearly indicate the preferred method of access - paper copies, electronic copies or by inspection and shall include the name and address to which the Township should address its response.

B. Receipt of the Request. For the purpose of calculating the response deadline, the Township is deemed to have received the request on the business day that the Township



Township of East Union

Right-to-Know Law Policy

Open Records Officer (or appointed delegate) receives the written request. All requests should be mailed via the United States Postal Service or hand delivered to the Township building while it is occupied. See 65 P.S. § 67.901. Any request that is received by the Township after the close of regular business hours shall be deemed to be received on the next business day. If the request is received by a Township employee other than the Township Open Records Officer (or appointed delegate), the request will be forwarded to the Township Open Records Officer as soon as practical.

C. Verbal requests. The Township may respond to verbal requests for records in its discretion. Requesters submitting verbal requests for records should be aware that they may not pursue the remedies available to a requester under the RTKL. The Township is not obliged to debate requests or its responses with any requester.

D. Anonymous requests. Requests must be made by a person that is a legal resident of the United States. Requests made by persons who are not legal residents will not be considered. Anonymous written or verbal requests will not be considered.

E. Response period generally. The Township has five (5) business days to respond to a written request for records under the RTKL. If the Township does not respond, the request is considered "deemed denied" and a requester's appeal rights commence.

F. Open records officer. East Union Township hereby designates Michael Gaizick as the Township's Open Records Officer. The Open Records Officer can be reached as follows:

Address: 10 East Elm Street, Shepton, PA 18248

Phone: (570) 384-0739

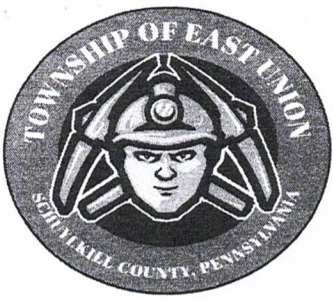
Email: eutownship@gmail.com

V. Township Response

A. Response generally. When responding to a request, the Township is not 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 Township does not currently compile, maintain, format or organize the record.

B. Extension of time for response. The Township is permitted to take an additional thirty (30) calendar days to respond to any request for the reasons set forth in Section 902 of the RTKL. See 65 P.S. § 67.902. If the Township invokes an extension, the Township will inform the requester in writing, in accordance with the requirements set forth in Section 902(b)(2) of the RTKL.

C. Requester's agreement to extend the response period. The requester may agree, in writing, to extend the Township's response period. See 65 P.S. § 67.902(b)(2). The



Township of East Union

Right-to-Know Law Policy

requester must agree to the extension during the initial five (5) business-day response period or the extended thirty (30) calendar day response period, if the Township has invoked one.

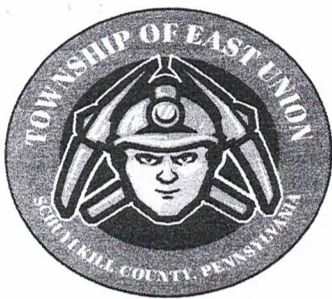
D. Trade secrets. If a request involves records provided to the Township by a third party and the third party previously provided the Township with a written statement that the record contains a trade secret or confidential proprietary information, the Township shall provide notice to the third party. See 65 P.S. § 67.707(b).

E. Final response. The Township may grant a request, partially grant and partially deny a request, or deny a request in its entirety. The final response of the Township to a written request will be in writing. Should the Township fail to issue a response within the applicable response period, the request is deemed denied. See 65 P.S. § 67.901.

1. Granting access to records. The Township may grant a request for records by issuing a response: (1) granting access to inspect Township records during the Township's regular business hours at a location in the Township building of its choice; (2) sending copies of the records to the requester; or (3) by notifying the requester that the records are available on the Township website or other publicly accessible electronic means. See 65 P.S. §§ 67.701(a), 704. The Township is not obligated to permit requesters access into the Township offices to inspect records, but may do so in its discretion. The Township is not obliged to debate its response or reply to questions or demands made at the time it grants access to inspect Township records. The Township is not obliged to respond to any demands made by a requester during the inspection.

2. Denying or partially denying access to records. Should the Township deny or partially deny a request for records through redaction or otherwise, the Township will inform the requester of the denial or partial denial in writing. The response will describe the requested records, inform the requester that the Township does not possess the responsive records or, if the records are exempt from public access, provide a citation to the relevant legal basis for withholding the requested records. See 65 P.S. § 67.903. Additionally, the response will provide the name, signature, title, business address and telephone number of the Open Records Officer who denied the request, as well as the date of the response and the procedure to appeal the denial. See 65 P.S. § 67.903.

3. Nuisance requests. As provided under the law, the Township may deny a requester access to a record if the requester has made repeated requests for that same record and the repeated requests place an unreasonable burden on the Township.



Township of East Union

Right-to-Know Law Policy

F. Fees. The Township will charge fees consistent with any statewide RTKL Fee Structure then in effect. Absent such a scale, copies will be \$.25 per page. The Township may, in its discretion, choose to waive some or all of the fees owed on a case-by-case basis. The Township may waive fees of less than \$5.00. The Township may charge for copies provided electronically if to put them into an electronic format the originals had to be copied and scanned or otherwise specially handled in a manner resulting in copies being made.

If the estimated fees that are required to fulfill the RTKL request exceed \$100, the requester must pay the estimated amount in advance, either by certified check or by ordinary check, which must first have cleared to be considered received by the Agency. The demand for prepayment will specify a reasonable period of time in which the requester must make such prepayment. Failure to make the estimated payment by the date required by the Agency in its interim response will result in the request being denied for lack of payment.

G. Retrieval of records. The Township reserves the right to dispose of any records not retrieved by a requestor within 60 days of the Township's response stating the records are available for retrieval. The Township may retain any fees paid in connection with the request.

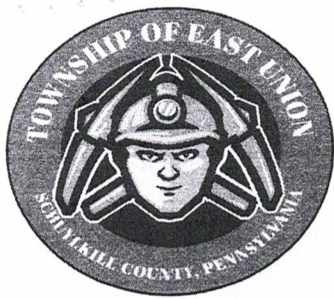
VI. RTKL Appeals

A. Generally. To challenge the denial, partial denial, or deemed denial of a request for Township records, an appeal may be filed using the Office of Open Records appeal form, available at: <http://www.openrecords.pa.gov/Appeals/AppealForm.cfm> or by contacting:

Office of Open Records
Commonwealth of Pennsylvania
333 Market St., 16th Floor
Harrisburg, PA 17101-2234
openrecords@pa.gov

B. Criminal investigative records. To challenge the denial of a request or portion of a request on the basis that records were withheld because they are related to criminal investigative records, an appeal should be filed by contacting: The Schuylkill County District Attorney at the Schuylkill County Courthouse, 401 North Second Street, Pottsville, PA 17901. 570-628-1354. RTKL Chapter 11 Appeals Officer.

C. Requirements of an appeal. All appeals must be filed within fifteen (15) business days of the mailing date of the Township's denial, partial denial, or deemed denial of the request. All appeals must be in writing; must state the grounds upon which the requester asserts that the requested records are public records; must address any grounds stated by the Township



Township of East Union

Right-to-Know Law Policy

for denying the request; and must include a copy of the request and the Township's response, if any. See 65 P.S. §67.1101(a)(1).