

**BOROUGH OF CONSHOHOCKEN
COUNTY OF MONTGOMERY COUNTY**

RESOLUTION 2024-22

A RESOLUTION OF THE BOROUGH OF CONSHOHOCKEN, MONTGOMERY COUNTY, PENNSYLVANIA, SETTING PROCEDURAL RULES FOR COMPLIANCE WITH PENNSYLVANIA'S RIGHT-TO-KNOW LAW; REPEALING PRIOR INCONSISTENT RESOLUTIONS OR PARTS OF RESOLUTIONS; CONTAINING A SAVINGS CLAUSE; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Borough of Conshohocken regularly receives requests for records pursuant to Pennsylvania's Right-To-Know Law, 65 P.S. § 67.101, *et seq.* (the "RTKL");

WHEREAS, section 504(a) of the RTKL, 65 P.S. § 67.504(a), permits an agency to develop policies to implement the RTKL; and

WHEREAS, the Borough Council for the Borough of Conshohocken believes it to be in the best interests of the Borough to clarify and specifically set the procedures for submission and processing of RTKL requests filed with the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Conshohocken, Montgomery County, Pennsylvania that the following rules regarding submission and processing of RTKL requests filed with the Borough are adopted:

SECTION 1. INTERPRETATION AND POLICY.

a. Capitalized terms used herein shall have the meaning assigned to them under section 102 of the RTKL, 65 P.S. § 67.102.

b. Unless otherwise provided by law, a Public Record shall be accessible for inspection and duplication by a Requester. A Public Record shall be provided to a Requester in the medium requested if the Public Record exists in that medium; otherwise, it shall be provided in the medium in which it exists. Public Records shall be available for inspection and copying at the Borough Hall during normal business hours, Monday through Friday, with the exception of official Borough holidays.

c. It is the Borough's policy to require the presence of a designated Borough employee when files are examined by a Requester, and to charge a

reasonable and equitable fee for copying Borough files that are deemed to be a Public Record. Such fees are set by Pennsylvania's Office of Open Records and shall be listed in the Borough's official Fee Schedule.

SECTION 2. PROCEDURE FOR ACCESS TO PUBLIC RECORDS.

a. All Requests for access to Public Records shall be submitted by the Requester, in writing, on an official Request for Public Information form and delivered via mail, fax, email, or in person. Requests made verbally, non-verbally and anonymously, and not made in writing on an official Request for Public Information form by a Requester, will not be honored and are not eligible to be appealed by said Requester if the Borough denies the request. Request forms are available on the Borough's website at conshohockenpa.gov. Acceptable forms are also available at the Pennsylvania Office of Open Records website at openrecords.pa.gov.

b. Each Request shall be addressed to the Borough's Open Records Officer. The Request form shall include the Requester's contact information, the date of the Request and shall identify or describe the Records sought with sufficient specificity to enable the Borough to ascertain which Records are being requested.

c. Creation of a Public Record. When responding to a Request for access, the Borough shall not be required to create a Public Record that does not currently exist nor shall it be required to compile, maintain, format or organize a Public Record in a manner in which the Borough does not currently compile, maintain, format or organize the Public Record.

d. Record of Request. A file shall be maintained for RTKL Requests. Such file shall contain the original request, a copy of the response, a record of communications with the Requester and a copy of other communications.

SECTION 3. RESPONSE TO WRITTEN REQUESTS.

a. Redaction. If the Borough determines that a Public Record contains information that is subject to access, as well as information that is not subject to access, the Borough's Response shall be to grant access to the information that is subject to access, and deny access to the information that is not subject to access. If the information that is not subject to access is an integral part of the Public Record and cannot be separated, the Borough may redact from the Public Record the information that is not subject to access.

b. Borough's Response to Written Requests for Access. Upon receipt of a written Request for access to a Public Record, the Borough shall make a good faith

effort to determine if the Record requested is a Public Record, whether the Borough has possession, custody, or control of the same, and whether the Public Record is otherwise exempt and/or protected pursuant to the RTKL or other applicable law. The Borough shall respond as promptly as possible under the circumstances existing at the time of the request, but the Borough's Response shall not exceed five (5) business days from the date the written Request is received by the Open Records Officer unless an extension is appropriate pursuant to the RTKL. If the Borough fails to send the Response within five (5) days of receipt of the written request for access, the written request for access shall be deemed denied unless an extension is otherwise established. All applicable fees shall be paid in order to receive access to the Record requested.

c. Extension of Time. Upon receipt of a written Request for access to a Public Record, the Open Records Officer shall determine if one of the following applies:

1. The Request requires the redaction of information within a Public Record in accordance with section 706 of the RTKL;
2. The Request requires the retrieval of a Record stored in a remote location;
3. A timely Response cannot be accomplished due to legitimate and specified staffing limitations;
4. A legal review is necessary to determine whether the Record is subject to access under the RTKL;
5. Requester did not comply with the Borough's policies regarding public access to Records;
6. The Requester refuses to pay applicable fees; or
7. The extent or nature of the Request precludes a response within the required time period.

In the event one or more of the foregoing applies to the Request, the Borough shall send written notice to the Requester within five (5) business days of the Request stating the Request is being reviewed, the reason for review and the factor that applies, and a reasonable date that a response can be expected, not to exceed thirty (30) days from such notice. If a response is expected more than thirty (30) days after the five-day period, the request is deemed denied unless otherwise agreed to by the Requester in writing.

d. Denial of Request. The Borough may grant a Request, partially grant and partially deny a Request, or deny a Request in its entirety. If the Request is denied or partially denied, the following must be included with the denial:

1. Description of the Record requested;
2. Specific reasons for the denial, including a citation of supporting legal authority;
3. Typed or printed name, title, business address, business telephone number and signature of the open records officer on whose authority the denial was issued;
4. Date of Response; and
5. Appeal procedure for denials under the RTKL.

SECTION 2. SEVERABILITY.

In the event any provision, section, sentence, clause or part of this resolution shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, section, sentence, clause or part of this resolution, it being the intent of the Borough Council that the remainder of the resolution shall remain in full force and effect.

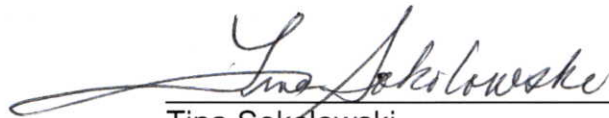
SECTION 6. REPEALER.

All resolution or parts of resolutions which are inconsistent herewith are hereby repealed.


SECTION 7. EFFECTIVE DATE.

This resolution shall take effect at the earliest time permitted under Pennsylvania law.

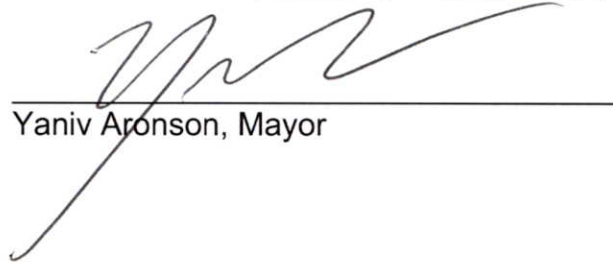
ADOPTED and APPROVED, this 16th day of October, 2024 in Council Chambers.



Tina Sokolowski
Borough Council President


Stephanie Cecco, Borough Secretary

APPROVED this 16th day of October, 2024.


Yaniv Aronson, Mayor