

Community Relations

Communications with the Public

Public Records

PURPOSE

The Board recognizes the importance of public records as the record of the district's actions and the repository of information about this district. The public has the right to access and procure copies of public records, with certain exceptions, subject to law, Board policy and administrative regulations.

DEFINITIONS

Financial record – any account, voucher or contract dealing with the receipt or disbursement of funds or 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, including the individual's name and title; and a financial audit report, excluding the audit's underlying work papers.

Public record – a record, including a financial record, that is not protected by a defined privilege or is not exempt from being disclosed under one of the exemptions in Pennsylvania's Right-to-Know Law or under other federal or state law or regulation, or judicial decree or order.

Record – information, regardless of physical form or characteristics, that documents a district transaction or activity and is created, received or retained pursuant to law or in connection with a district transaction, business or activity, including: 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.

Response – the district's notice informing a requester of a granting of access to a record or the district's written notice to a requester granting, denying, or partially granting and partially denying access to a requested record.

Requester – a legal resident of the United States, or an agency, who requests access to a record.

AUTHORITY

The Board shall make the district's public records available for access and duplication to a requester, in accordance with law, Board policy and administrative regulations.

DELEGATION OF RESPONSIBILITY

The Board shall designate an Open Records Officer who shall be responsible to:

1. Receive written requests for access to records submitted to the district.
2. Review and respond to written requests in accordance with law, Board policy, and administrative regulations.
3. Direct requests to other appropriate individuals in the district or in another agency.

4. Track the district's progress in responding to request.
5. Issue interim and final responses to submitted requests.
6. Maintain a log of all record requests and their disposition.
7. Ensure district staff are trained to perform assigned job functions relative to requests for access to records.

Upon receiving a request for access to a record, the Open Records Officer shall:

1. Note the date of the receipt on the written request.
2. Compute and note on the written request the day on which the five-day period for response will expire.
3. Maintain an electronic or paper copy of the written request, including all documents submitted with the request, until the request has been fulfilled.
4. If the written request is denied, maintain the written request for thirty (30) days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied.

GUIDELINES

Requesters may access and procure copies of the public records of the district during the regular business hours of the administration office.

A requester's right of access does not include the right to remove a record from the control or supervision of the Open Records Officer.

The district shall not limit the number of records requested.

When responding to a request for access, the district is not required to create a record that does not exist nor to compile, maintain, format, or organize a record in a manner which the district does not currently use.

Information shall be made available to individuals with disabilities in an appropriate format, upon request and with sufficient advance notice.

The district shall post at the Administration Office and on the district's website, if the district maintains a website, the following information.

1. Contact information for the Open Records Officer.
2. Contact information for the state's Office of Open Records or other applicable appeals officer.
3. The form to be used to file a request, with a notation that the state Office of Open Records form may also be used if the district decides to create its own form.
4. Board policy, administrative regulations and procedures governing requests for access to the district's public records.

Request for Access

A written request for access to a public record shall be submitted on the required form(s) and addressed to the Open Records Officer.

Written requests may be submitted to the district in person, by mail, to a designated facsimile machine, and to a designated e-mail address.

Each request must include the following information:

1. Identification or description of the requested record, in sufficient detail.
2. Medium in which the record is requested.
3. Name and address of the individual to receive the district's response.

The district shall not require an explanation of the reason for the request or the intended use of the requested record, unless otherwise required by law.

Fees

The Board shall approve and the district shall keep current a list of reasonable fees relative to requests for public records.

No fee may be imposed for review of a record to determine whether the record is subject to access under law.

Prior to granting access, the district may require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed \$100.

The Superintendent may waive duplication fees when the requester duplicates the record or the Superintendent deems it is in the public interest to do so.

Response to Request

District employees shall be directed to forward requests for access to public records to the Open Records Officer.

Upon receipt of a written request for access to a record, the Open Records Officer shall determine if the requested record is a public record and if the district has possession, custody, or control of that record.

The Open Records Officer shall respond as promptly as possible under the existing circumstances, and the initial response time shall not exceed five (5) business days from the date the written request is received by the Open Records Officer.

The initial response shall grant access to the requested record, deny access to the requested record, partially grant and partially deny access to the requested record, or notify the requester of the need for an extension of time to fully respond.

If the district fails to respond to a request within five (5) business days of receipt, the request for access shall be deemed denied.

Extension of Time

If the Open Records Officer determines that an extension of time is required to respond to a request, in accordance with the factors stated in law, written notice shall be sent within five (5) business days of receipt of request. The notice shall indicate that the request for access is being reviewed, the reason that the review requires an extension, a reasonable date when the response is expected, and an estimate of applicable fees owed when the record becomes available.

Up to a thirty (30) day extension for one (1) of the listed reasons does not require the consent of the requester. If the response is not given by the specified date, it shall be deemed denied on the day following that date.

A requester may consent in writing to an extension that exceeds thirty (30) days, in which case the request shall be deemed denied on the day following the date specified in the notice if the Open Records Officer has not provided a response by that date.

Granting Of Request

If the Open Records Officer determines that the request will be granted, the response shall inform the requester that access is granted and either include information on the regular business hours of the administration office, provide electronic access, or state where the requester may go to inspect the records or information electronically at a publicly accessible site. The response shall include a copy of the fee schedule in effect, a statement that prepayment of fees is required in a specified amount if access to the records will cost in excess of one hundred dollars (\$100.00), and the medium in which the records will be provided.

A public record shall be provided to the requester in the medium requested if it exists in that form; otherwise, it shall be provided in its existing medium. However, the district is not required to permit use of its computers.

The Open Records Officer may respond to a records request by notifying the requester that the record is available through publicly accessible electronic means or that the district shall provide access to inspect the record electronically. If the requester, within thirty (30) days following receipt of the district's notice, submits a written request to have the record converted to paper, the district shall provide access in printed form within five (5) days of receipt of the request for conversion to paper.

A public record that the district does not possess but is possessed by a third party with whom the district has contracted to perform a governmental function and which directly relates to that governmental function shall be considered a public record of the district. When the district contracts with such a third party, the district shall require the contractor to agree in writing to comply with requests for such records and to provide the district with the requested record in a timely manner to allow the district to comply with law.

If the Open Records Officer determines that a public record contains information both subject to and not subject to access, the Open Records Officer shall grant access to the information subject to access and deny access to the information not subject to access. The Open Records Officer shall redact from the record the information that is not subject to access. The Open Records Officer shall not deny access to a record if information is able to be redacted.

If the Open Records Officer responds to a requester that a copy of the requested record is available for delivery at the administration office and the requester does not retrieve the record within sixty (60) days of the district's response, the district shall dispose of the copy and retain any fees paid to date.

Notification to Third Parties

When the district produces a record that is not a public record in response to a request, the Open Records Officer shall notify any third party that provided the record to the district, the person that is the subject of the record, and the requester.

The Open Records Officer shall notify a third party of a record request if the requested record contains a trade secret or confidential proprietary information, in accordance with law and administrative regulations.

Denial of Request

If the Open Records Officer denies a request for access to a record, whether in whole or in part, a written response shall be sent within five (5) business days of receipt of the request. The response denying the request shall include the following:

1. Description of the record requested.
2. Specific reasons for denial, including a citation of supporting legal authority.
3. 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. Procedure for the requester to appeal a denial of access.

The Open Records Officer may deny a request for access to a record if the requester has made repeated requests for that same record and the repeated requests have placed an unreasonable burden on the district.

The Open Records Officer may deny a request for access to a record when timely access is not possible due to a disaster, or when access may cause physical damage or irreparable harm to the record. To the extent possible, a record's contents shall be made accessible even when the record is physically unavailable.

Information that is not subject to access and is redacted from a public record shall be deemed a denial.

If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the state's Office of Open Records within fifteen (15) business days of the mailing date of the Open Records Officer's response or deemed denial.

References:

- School Code – 24 P.S. Sec 408, 518
- Right-to-Know Law – 65 P.S. Sec. 67.101 et seq.
- Americans with Disabilities Act – 42 U.S.C. Sec. 12101 et seq.
- Accessibility to Communications, Title 28, Code of Federal Regulations – 28 CFR Sec. 35.160, 35.164
- Board Policy – 800

Policy Adopted: March 17, 20003
 Policy Revised: December 15, 2008
 Policy Revised: January 26, 2009

WATTSBURG AREA SCHOOL DISTRICT

RULES AND REGULATIONS

GOVERNING THE RELEASE OF PUBLIC RECORDS

UNDER THE PENNSYLVANIA RIGHT-TO-KNOW LAW

These Rules and Regulations are intended to aid in compliance with the Pennsylvania Right-to-Know Law, Act 3 of 2008. These Rules and Regulations shall apply to requests for records made after December 31, 2008.

I. GENERAL

- A. The *Wattsburg Area School District* shall provide public records in accordance with Act 3 of 2008 and with these rules and regulations. In the event of a conflict between the rules and regulations and the Act, the Act shall apply.
- B. Requests for access to a public record may not be denied due to the intended use of the public record by the requester.
- C. A record in the possession of the *Wattsburg Area School District* shall be presumed to be a public record. The presumption shall not apply if:
1. the record is exempt from access;
 2. the record is protected by a privilege; or
 3. the record is exempt from disclosure under any other Federal or State law or regulation or judicial order or decree.
- D. Definitions
- All terms not otherwise defined within these Rules and Regulations and to be defined by Act 3 of 2008.
1. The term "financial record" includes any of the following:
 - a. Any account, voucher or contract dealing with:
 - (i) the receipt or disbursement of funds by an agency; or
 - (ii) an agency's acquisition, use or disposal of services, supplies, materials, equipment or property.
 - b. The salary or other payments or expenses paid to an officer or employee of an agency, including the name and title of the officer or employee.
 - c. A financial audit report. The term does not include work papers underlying an audit.
 2. The term "personal financial information" includes an individual's personal credit, charge or debit card information; bank account information; bank, credit or financial statements; account or PIN numbers and other information relating to an individual's personal finances.
 3. "Privilege" means the attorney-work product doctrine, the attorney-client privilege, the doctor-patient privilege, or other privilege recognized by a court interpreting the laws of this Commonwealth.
 4. The term "public record" means a record, including a financial record, of the *Wattsburg Area School District* that:
 - a. is not exempt under section 708 of Act 3 of 2008;
 - b. is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or
 - c. is not protected by a privilege.

5. "Record" means information, regardless of physical form or characteristics, that documents a transaction or activity of the *Wattsburg Area School District* and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the *Wattsburg Area School District*. The term 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.
6. "Requester" includes a person that is a legal resident of the United States and requests a record pursuant to this act. The term includes an agency.

II. OPEN-RECORDS OFFICER

A. Appointment of Open-Records Officer

1. From time to time, as necessitated by a vacancy in the office, the *Wattsburg Area School District* shall appoint an official or employee to serve as the *Wattsburg Area School District* Open-Record Officer by Resolution.

B. Functions of Open-Records Officer

1. Receive requests for public records submitted to the *Wattsburg Area School District*
2. Direct requests to other appropriate persons within the *Wattsburg Area School District* or in another agency.
3. Track the progress in responding to requests.
4. Issue interim and final responses to requests in a compliant fashion.

C. Responsibilities

1. Upon receiving a request for a public record, an open records-officer shall:
 - a. Note the date of receipt of the request
 - b. Compute when the five-day response time will expire and make note of such on the written request
 - c. Provide for the disposition of requests and responses.

III. POSTING

- A. Postings required by Act 3 of 2008 will be made at the *Head Office of the Wattsburg Area School District* and on the *Wattsburg Area School District* website, www.wattsburg.org. A copy of the required posting is available in the appendix to this document.

IV. REQUEST AND ANSWER PROCESSING

A. Form of Requests

1. Requesters may submit requests that are either written or oral.

2. A written request for records may be submitted:
 - (a) In person
 - (b) By mail
 - (c) By email
 - (d) By facsimile
3. Written requests may be submitted:
 - (a) On the *Wattsburg Area School District* Request for Open Records Form, as found in the appendix and available on the *Wattsburg Area School District* website, www.wattsburg.org, from the Open-Records Officer or at the (*Wattsburg Area School District head office*).
 - (b) On the Uniform Form developed by the Pennsylvania Office of Open Records.
 - (c) In writing by the requester, so long as such request complies with Subsection 4 of this section.
4. Requests for access to Public-Records:
 - (a) Are to be addressed to the Open-Records Officer;
 - (b) Should identify or describe the records sought with sufficient specificity to enable the (*Agency Name*) to ascertain which records are being requested; and
 - (c) Shall include the name and address to which the *Wattsburg Area School District* should address its response.

B. Duties Upon Receipt of Requests:

1. All *Wattsburg Area School District* employees are to forward requests for records to the Open-Records Officer.
2. The Open-Records Officer shall:
 - (a) Note the date of receipt of the request on the written request; and
 - (b) Compute the day on which the five-day period for the initial response will expire and note the date on the written request.
3. Initial Agency Response
 - (a) Upon receiving a request, the open records officer shall make a good faith effort to:
 - (i) Determine whether the requested record is a public record and within control of the *Wattsburg Area School District*; and,
 1. If the Open-Records Officer determines that the request includes a record that is not in the possession of the *Wattsburg Area School District*, but is in the possession of a party with whom the *Wattsburg Area School District* has contracted to perform a governmental function on its behalf, and if the requested record relates to the governmental function and is not otherwise exempt under Act 3 of 2008; then the Open-Records

Officer shall make arrangements with the Third Party Contractor to obtain the record.

(ii) Respond as promptly as possible.

(b) Written Agency Response

(i) The *Wattsburg Area School District* shall provide the initial written response within five business days from the receipt date of the request.

1. The initial written response may grant, deny, partially grant and partially deny, or claim an extension of time in which to respond.

(ii) Extensions of time

1. An Open-Records Officer may claim an extension of time is necessary to properly respond to the request for public records if one or more of the following apply:

- The request must be redacted.
- The record is stored in a remote location and must be retrieved.
- Bona fide and specified staffing limitations prevent a timely response.
- Legal review is necessary to determine if the record is subject to access.
- The requester has not complied with the agency's access policies or refuses to pay applicable fees.
- The extent or nature of the request precludes a response within the required time period.

2. The extension of time shall not be in excess of 30 days following the five business days for the initial response.

3. Written notice of a claim of extension of time shall state that the record is being reviewed, the reason for the review and the date that the response will be provided in accordance with subparagraph 2 above.

(iii) Denial of Requests

1. An agency may deny access to a record when:

- A requester has made repeated requests for the same record, placing an unreasonable burden on the agency;
- Timely access of the record is not possible due to flood, fire, or other disaster; or,
- Physical damage may occur to a historical, ancient or rare record.

2. *The Wattsburg Area School District* may deny access to a record if one of the enumerated exceptions contained in Section 208 of Act 3 of 2008 applies, and the *Wattsburg Area School District* can show, by the preponderance of the evidence, that the exemption applies.
3. Written Denials shall be issued, whether in whole or in part, and shall include:
 - A description of the record requested;
 - Specific reasons for the denial, including a citation of supporting legal authority;
 - The name, title, business address, business telephone number and signature of the open-records officer who denied the request;
 - Date of the response; and,
 - The procedure to appeal the denial of access.

V. MISCELLANEOUS

A. Creation of Record.

- (1) When responding to a request for access, the *Wattsburg Area School District* 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 *Wattsburg Area School District* does not currently compile, maintain, format or organize the record.

B. Medium Records are to be provided to a Requester.

- (1) 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.

C. Redaction.

- (1) If the *Wattsburg Area School District* determines that a public record or financial record contains information which is subject to access as well as information which is not subject to access, the *Wattsburg Area School District's* response shall grant access to the information which is subject to access and deny access to the information which is not subject to access. If the information which is not subject to access is an integral part of the public record or financial record and cannot be separated, the agency shall redact from the record the information which is not subject to access, and the response shall grant access to the information which is subject to access. The agency may not deny access to the record if the information which is not subject to access is able to be redacted. Information which the *Wattsburg Area School District* redacts in accordance with this subsection shall be deemed a denial.

D. Requests for Certain Records.

- (1) General rule. – If, in response to a request, the *Wattsburg Area School District* produces a record that is not a public record, or financial record, the *Wattsburg Area School District* shall notify any third party that provided the record to the agency, the person that is the subject of the record and the requester.
- (2) Requests for trade secrets. – *The Wattsburg Area School District* shall notify a third party of a request for a record if the third party provided the record and included a written statement signed by a representative of the third party that the record contains a trade secret or confidential proprietary information. Notification shall be provided within five business days of receipt of the request for the record. The third party shall have five business days from receipt of notification from the agency to provide input on the release of the record. The *Wattsburg Area School District* shall deny the request for the record or release the record within ten business days of the provision of notice to the third party and shall notify the third party of the decision.

E. Document Retention.

- (1) Documentation of requests for public records is to comply with the *Wattsburg Area School District* records retention schedule.

F. Fees

- (1) Fees for postage may not exceed the actual cost of mailing.
- (2) Fees for duplication, by photocopying, printing from electronic media or microfilm, copying onto electronic media, transmission by facsimile or other electronic means and other means of duplication shall be established by the Pennsylvania Office of Open Records.
- (3) The *Wattsburg Area School District* may impose a reasonable fee for official certification of copies of the records at the request of the requester.
- (4) Conversion to paper. - If a record is only maintained electronically or in other nonpaper media, duplication fees shall be limited to the lesser of the fee for duplication on paper or the fee for duplication in the original media unless the requester specifically requests for the record to be duplicated in the more expensive medium.
- (5) If the fees are expected to exceed \$100.00, all fees must be prepaid prior to granting a request for access.

WATTSBURG AREA SCHOOL DISTRICT
Oral Open-Records Request

Date: _____

Requester Name: _____

Address: _____

Phone: () _____ Email: _____

Records Requested:

Request taken by: _____

793422

WATTSBURG AREA SCHOOL DISTRICT

**Open-Records Officer
Tracking Form**

1. Request received by Open Records Officer from:

- Requester
- Staff member: _____

2. Requester Contact Information:

Name: _____

Address: _____

Phone: () _____ Email: _____

3. Request is:

- Oral. If so, see attached document.
- Written. If so, attach this form to written request.

4. Individual assigned this request is a: Staff Member
 Contractor

Name: _____

Title: _____

Company: _____

Address: _____

Phone: () _____ Email: _____

5. Date Request received: _____

6. Five Day Response Due: _____ Sent: _____

- Five Day Response:
- Granted Access
 - Claimed Extension
 - Denied.
 - Partial Grant, Partial Denial

7. If Extension Claimed, Thirty Day Response Due: _____ Sent: _____

Thirty Day Response: Granted Access
 Denied.
 Partial Grant, Partial Denial

8. If Denied, Date of Denial: _____

9. If Granted, Date Records Provided/Reviewed by Requester: _____

10. All applicable fees collected: _____ Amount: _____

11. If Appealed, Date of Appeal: _____

Date Appealed finalized: _____

Disposition: _____

12. Description of records granted access to: _____

WATTSBURG AREA SCHOOL DISTRICT
Public Record Request Form

Requester Name: _____

Requester Mailing Address: _____

Phone: () _____ Email: _____

Please identify or describe the records sought: _____

(Please attach an additional sheet of paper if necessary)

Please note the format you would like the records to be in, such as in paper or electronic format.
If you desire access in an electronic format, please list which format.

(Records will be provided in the format requested, if it exists in that format; otherwise it will be provided in the format in which it exists.)

I am requesting that:

- the identified records be mailed to me at the address provide. I understand certain duplication and postage fees apply.
- the records be made available for inspection at the offices of the Wattsburg Area School District during regular business hours.
- the records be forwarded to me electronically.
- certified copies of the records be made available to me. I understand that fees for providing certification of records apply.

Date Request Submitted: _____

Signature of Requester: _____

793408

For Open Records Officer Use Only

Date of Receipt _____ 5 Day Response Date _____

WATTSBURG AREA SCHOOL DISTRICT

RIGHT-TO-KNOW LAW

You have the right to request access to the *Wattsburg Area School District's* public records. Request for records are to be made to the Open Records Officer. Requests may be submitted in person, by mail, by email, or by facsimile. Requests may be oral or written, and may be made using the *Wattsburg Area School District* Public Records Request Form. The form is available from the Open-Records Officer, in the *Administration Office*, or online at www.wattsburg.org.

Additionally, requests may be made using the Pennsylvania Office of Open Records Uniform Request Form, available at www.wattsburg.org.

Regulations, policies and procedures of the *Wattsburg Area School District* are available from the Open-Records Officer, in the *Administration Office*, or online at www.wattsburg.org.

The *Wattsburg Area School District Open-Records Officer* may be contacted at:

Name: _____

Address: _____

Phone: () _____ Email: _____

Fax Number: () _____

The Pennsylvania Office of Open Records may be contacted at:

Address: _____

Phone: () _____ Email: _____

Fax Number: () _____

PENNSYLVANIA'S NEW RIGHT TO KNOW LAW

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July 30, 2008

PUBLIC RECORD CHECKLIST

The local agency's Open-Records Officer should engage in the following point-by-point analysis to determine whether a request to review a record should be granted.

- Is the requested record in the possession of the local agency?
 1. If yes, proceed to the next question, regarding the meaning of "record."
 2. If the requested record is not in the possession of the local agency, is the record in the possession of a party with whom the local agency has contracted? If yes:
 - is the party performing a governmental function on behalf of the agency?
 - is the requested record directly related to the governmental function?
 - √ If you answered "yes" to the above two questions, proceed to the next question, regarding the meaning of "record." (If the party is not performing a governmental function on behalf of the agency, or if the record is not directly related to the government function, then access to the record is not required.)

- Is the requested record a "record" within the meaning of the Right to Know Act?
 1. Does the requested record contain information that documents a "transaction or activity" of the local agency?

2. Was the requested record “created, received or retained pursuant to law or in connection with a transaction, business or activity” of the local agency?

√ If you answered “yes” to the above two questions, the requested record is a “record.”

Is the requested record a “financial record” within the meaning of the Right to Know Act?

1. Is the requested record an account, voucher or contract dealing with:
 - the receipt or disbursement of funds by the local agency, or
 - the local agency’s acquisition, use or disposal of services, supplies, materials, equipment or property?
2. Does the requested record pertain to the salary or other payments or expenses paid to an officer or employer of the local agency (including the name and title of the officer/employee)?
3. Is the requested record a financial audit report (not including, however, work papers underlying an audit)?

√ If you answered “yes” to any of the above three questions, the requested record is a “financial record.”

Is the record or financial record a “public record” within the meaning of the Right to Know Act?

1. You must presume the record or financial record is a “public record” – and grant the request for access – unless the record/financial record is excepted for a reason set forth in the Right to Know Act. See the “exceptions” section below.
2. You must presume the record or financial record is a “public record” – and grant the request for access – unless the record/financial is protected from disclosure by a privilege. See the “privilege” section below.
3. You must presume the record or financial record is a “public record” – and grant the request for access – unless the record/financial record is exempt from disclosure under any other Federal or State law or regulation or judicial order or decree. See the “other exception” section below.

√ The exceptions described in each of the above three categories can defeat the statutory presumption that a record or financial record is a “public record” and therefore disclosable. You must analyze whether the requested record falls within any of these three presumption exceptions.

Is the record or financial record excepted from disclosure because an exception applies? (Use the following checklist and analyze whether *any* of the listed exceptions apply to the request.)

- _____ 1. A record, the disclosure of which would result in the loss of Federal or State funds by an agency or the Commonwealth, or would be reasonably likely to

result in a substantial and demonstrable risk of physical harm to or the personal security of an individual. ^

- _____ 2. A record maintained by an agency in connection with the military, homeland security, national defense, law enforcement or other public safety activity that if disclosed would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection activity or a record that is designated classified by an appropriate Federal or State military authority. ^
- _____ 3. A record, the disclosure of which creates a reasonable likelihood of endangering the safety or the physical security of a building, public utility, resource, infrastructure, facility or information storage system, which may include (i) documents or data relating to computer hardware, source files, software and system networks that could jeopardize computer security by exposing a vulnerability in preventing, protecting against, mitigating or responding to a terrorist act; (ii) lists of infrastructure, resources and significant special events, including those defined by the Federal Government in the National Infrastructure Protections, which are deemed critical due to their nature and which result from risk analysis; threat assessments; consequences assessments; antiterrorism protective measures and plans; counterterrorism measures and plans; and security and response needs assessments; and (iii) building plans or infrastructure records that expose or create vulnerability through disclosure of the location, configuration or security of critical systems, including public utility systems, structural elements, technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage and gas systems. ^
- _____ 4. A record regarding computer hardware, software and networks, including administrative or technical records, which, if disclosed, would be reasonably likely to jeopardize computer security. ^
- _____ 5. A record of an individual's medical, psychiatric or psychological history or disability status, including an evaluation, consultation, prescription, diagnosis or treatment; results of tests, including drug tests; enrollment in a health care program or program designed for participation by persons with disabilities, including vocation rehabilitation, workers' compensation and unemployment compensation; or related information that would disclose individually identifiable health information. ^
- _____ 6. A record containing all or part of a person's Social Security number, driver's license number, personal financial information, home, cellular or personal telephone numbers, personal e-mail addresses, employee number or other confidential personal identification number, a spouse's name, marital status, beneficiary or dependent information, the home address of a law enforcement officer or judge. This does not preclude the release of the name, position, salary, actual compensation or other payments or expenses, employment contract, employment-related contract or agreement and length of service of a public official or an agency employee. An agency may redact the name or other identifying information relating to an individual performing an undercover or covert law enforcement activity from a record. ^

- _____ 7. The following records relating to an agency employee: (i) a letter of reference or recommendation pertaining to the character or qualifications of an identifiable individual, unless it was prepared in relation to the appointment of an individual to fill a vacancy in an elected office or an appointed office require Senate confirmation; (ii) a performance rating or review; (iii) the result of a civil service or similar test administered by a Commonwealth agency, legislative agency or judicial agency. The result of a civil service test administered by a local agency shall not be disclosed if restricted by a collective bargaining agreement. Only test scores of individuals who obtained a passing score on a test administered by a local agency may be disclosed; (iv) the employment application of an individual who is not hired by the agency; (v) workplace support services program information; (vi) written criticisms of an employee; (vii) grievance material, including documents related to discrimination or sexual harassment; (viii) information regarding discipline, demotion or discharge contained in a personnel file (this is not applicable to the final action of an agency that results in a demotion or discharge); and (ix) an academic transcript. +
- _____ 8. A record pertaining to strategy or negotiations relating to labor relations or collective bargaining and related arbitration proceedings. This does not apply to a final or executed contract or agreement between the parties in a collective bargaining procedure. In the case of the arbitration of a dispute or grievance under a collective bargaining agreement, an exhibit entered into evidence at an arbitration proceeding, a transcript of the arbitration or the opinion. This does not apply to the final award or order of the arbitrator in a dispute or grievance procedure. +
- _____ 9. The draft of a bill, resolution, regulation, statement of policy, management directive, ordinance or amendment thereto prepared by or for an agency. +
- _____ 10. A record that reflects the internal, predecisional deliberations of an agency, its members, employees or officials or predecisional deliberations between agency members, employees or officials and members, employees or officials of another agency, including predecisional deliberations relating to a budget recommendation, legislative proposal, legislative amendment, contemplated or proposed policy or course of action or any research, memos or other documents used in the predecisional deliberations (this applies to agencies subject to 65 Pa.C.S. Ch. 7 (relating to open meetings) in a manner consistent with 65 Pa.C.S. Ch. 7. A record which is not otherwise exempt from access under this act and which is presented to a quorum for deliberation in accordance with 65 Pa.C.S. Ch. 7 shall be a public record); or the strategy to be used to develop or achieve the successful adoption of a budget, legislative proposal or regulation. This does not apply to a written or Internet application or other document that has been submitted to request Commonwealth funds, and does not apply to the results of public opinion surveys, polls, focus groups, marketing research or similar effort designed to measure public opinion. +
- _____ 11. A record that constitutes or reveals a trade secret or confidential proprietary information. +

- _____ 12. Notes and working papers prepared by or for a public official or agency employee used solely for that official's or employee's own personal use, including telephone message slips, routing slips and other materials that do not have an official purpose. +
- _____ 13. Records that would disclose the identity of an individual who lawfully makes a donation to an agency unless the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public official or employee of the agency, including lists of potential donors compiled by an agency to pursue donations, donor profile information or personal identifying information relating to a donor. +
- _____ 14. Unpublished lecture notes, unpublished manuscripts, unpublished articles, creative works in progress, research-related material and scholarly correspondence of a community college or an institution of the State System of Higher Education or a faculty member, staff employee, guest speaker or student thereof. +
- _____ 15. Academic transcripts, examinations, examination questions, scoring keys or answers to examinations. This shall include licensing and other examinations relating to the qualifications of an individual and to examinations given in primary and secondary schools and institutions of higher education. +
- _____ 16. A record of an agency relating to or resulting in a criminal investigation, including complaints of potential criminal conduct other than a private criminal complaint; investigative materials, notes, correspondence, videos and reports; a record that includes the identity of a confidential source or the identity of a suspect who has not been charged with an offense to whom confidentiality has been promised; a record that includes information made confidential by law or court order; victim information, including any information that would jeopardize the safety of the victim; a record that, if disclosed, would do any of the following: reveal the institution, progress or result of a criminal investigation, except the filing of criminal charges; deprive a person of the right to a fair trial or an impartial adjudication; impair the ability to locate a defendant or codefendant; hinder an agency's ability to secure an arrest, prosecution or conviction; or endanger the life or physical safety of an individual. This shall not apply to information contained in a police blotter as defined in 18 Pa.C.S. § 9102 (relating to definitions) and utilized or maintained by the Pennsylvania State Police, local, campus, transit or port authority police department or other law enforcement agency or in a traffic report except as provided under 75 Pa.C.S. § 3754(b) (relating to accident prevention investigations). ^

- _____ 17. A record of an agency relating to a noncriminal investigation, including: (i) complaints submitted to an agency; (ii) investigative materials, notes, correspondence and reports; (iii) a record that includes the identity of a confidential source, including individuals subject to the act of December 12, 1986 (P.L.1559, NO.169), known as the Whistleblower Law; (iv) a record that includes information made confidential by law; (v) work papers underlying an audit; or (vi) a record that, if disclosed, would do any of the following: (a) reveal the institution, progress or result of an agency investigation, except the imposition of a fine or civil penalty, the suspension, modification or revocation of a license, permit, registration, certification or similar authorization issued by an agency or an executed settlement agreement unless the agreement is determined to be confidential by a court; (b) deprive a person of the right to an impartial adjudication; (c) constitute an unwarranted invasion of privacy; (d) hinder an agency's ability to secure an administrative or civil sanction; or (e) endanger the life or physical safety of an individual. ^
- _____ 18. Records or parts of records, except time response logs, pertaining to audio recordings, telephone or radio transmissions received by emergency dispatch personnel, including 911 recordings. This shall not apply to a 911 recording, or a transcript of a 911 recording, if the agency or a court determines that the public interest in disclosure outweighs the interest in nondisclosure. +
- _____ 19. DNA and RNA records. +
- _____ 20. An autopsy record of a coroner or medical examiner and any audiotape of a postmortem examination or autopsy, or a copy, reproduction or facsimile of an autopsy report, a photograph, negative or print, including a photograph or videotape of the body or any portion of the body of a deceased person at the scene of death or in the course of a postmortem examination or autopsy taken or made by or caused to be taken or made by the coroner or medical examiner. This exception shall not limit the reporting of the name of the deceased individual and the cause and manner of death. +
- _____ 21. Draft minutes of any meeting of an agency until the next regularly scheduled meeting of the agency, and minutes of an executive session and any record of discussions held in executive session. +
- _____ 22. The contents of real estate appraisals, engineering or feasibility estimates, environmental reviews, audits or evaluations made for or by an agency relative to the leasing, acquiring or disposing of real property or an interest in real property; the purchase of public supplies or equipment included in the real estate transaction; or construction projects. This does not apply once the decision is made to proceed with the lease, acquisition or disposal of real property or an interest in real property or the purchase of public supply or construction project. +
- _____ 23. Library and archive circulation and order records of an identifiable individual or groups of individuals. +

- _____ 24. Library archived and museum materials, or valuable or rare book collections or documents contributed by gift, grant, bequest or devise, to the extent of any limitations imposed by the donor as a condition of the contribution. +
- _____ 25. A record identifying the location of an archeological site or an endangered or threatened plant or animal species if not already known to the general public. +
- _____ 26. A proposal pertaining to agency procurement or disposal of supplies, services or construction prior to the award of the contract or prior to the opening and rejection of all bids; financial information of a bidder or offeror requested in an invitation for bid or request for proposals to demonstrate the bidder's or offeror's economic capability; or the identity of members, notes and other records of agency proposal evaluation committees established under 62 Pa.C.S. § 513 (relating to competitive sealed proposals). +
- _____ 27. A record or information relating to a communication between an agency and its insurance carrier, administrative service organization or risk management office. This paragraph shall not apply to a contract "With an insurance carrier, administrative service organization or risk management office or to financial records relating to the provision of insurance. +
- _____ 28. A record or information identifying an individual who applies for or receives social services; or relating to the following: (a) the type of social services received by an individual; (b) an individual's application to receive social services, including a record or information related to an agency decision to grant, deny, reduce or restrict benefits, including a quasi-judicial decision of the agency and the identity of a caregiver or others who provide services to the individual; or (c) eligibility to receive social services, including the individual's income, assets, physical or mental health, age, disability, family circumstances or record of abuse. +
- _____ 29. Correspondence between a person and a member of the General Assembly and records accompanying the correspondence which would identify a person that requests assistance or constituent services. This paragraph shall not apply to correspondence between a member of the General Assembly and a principal or lobbyist under 65 Pa.C.S. Ch. 13A (relating to lobbyist disclosure). +
- _____ 30. A record identifying the name, home address or date of birth of a child 17 years of age or younger. +

+ *This exception does not apply to financial records.*

^ *This exception does not apply to financial records, except to the extent that a local agency may redact that portion of the financial record protected by this specific exception.*

√ If you determined that any of the above 30 exceptions apply, then you are not *obligated* to disclose the requested record/financial record. (NOTE: The local agency *may* exercise its discretion to make any otherwise excepted record accessible to the requester if the "agency head" determines that the public interest favoring access outweighs any individual, agency or public interest that may favor restriction of access.)

- Is the record or financial record exempt from disclosure because it is protected from disclosure by a privilege?
1. Is the record/financial record subject to the attorney-work product doctrine?
 2. Is the record/financial record subject to the attorney-client privilege?
 3. Is the record/financial record subject to the doctor-patient privilege?
 4. Is the record/financial record subject to any other privilege recognized by a court interpreting the laws of the Commonwealth of Pennsylvania?
- √ If you answer “yes” to any of the above four questions, then do not disclose the requested record/financial record.

- Is the record or financial record exempt from disclosure because another exception applies?
1. Does a Federal or State law or regulation prohibit the record/financial record from being disclosed? (examples: FERPA, HIPAA)
 2. Does a judicial order or decree exist which prohibits the disclosure of the record/financial record?
- √ If you answer “yes” to either of the above two questions, then do not disclose the requested record/financial record.

- Do any of the reasons exist for which the local agency may use its discretion to deny a request?
1. Has the requester made repeated requests for access for the same record and the repeated requests have placed an unreasonable burden on the local agency?
 2. Is timely access not possible due to fire, flood or other disaster?
 3. Would allowing access cause physical damage or irreparable harm to the record in the professional judgment of the curator or custodian of the records due to the fact the requested record is historical, ancient or rare?
- √ If you answered “yes” to any of the above three questions, you *may* use discretion to deny the request. If the denial is in response to the situations described in questions 2 and 3, the contents of the requested record shall be made accessible to the requested even when the record is physically unavailable to the extent possible.