



# LCTA RIGHT TO KNOW POLICY

# LUZERNE COUNTY TRANSPORTATION AUTHORITY RIGHT TO KNOW POLICY

## Purpose

The purpose of this policy is to assure compliance effective January 1, 2009 with the Pennsylvania Right-to-Know Act (RTKL) which was signed into law by the Governor of Pennsylvania on February 14, 2008, with various provisions effective in 2008 and all provisions in effect as of January 1, 2009. The law provides access to public records of Luzerne County Transportation Authority (LCTA), unless confidential or privileged information is requested. The RTKL governs the rights of the public to inspect and obtain copies of public records. This policy outlines steps and procedures the LCTA follows to comply with the State's RTKL and where this policy is in conflict with the RTKL, the RTKL shall control.

## Public Records

For LCTA purposes, "public record," is any account, voucher, or contract dealing with the receipt or disbursement of funded by LCTA or its acquisition, use or disposal of services or of supplies, materials, equipment, or other property and any minute, order or decision by LCTA fixing the personal or property rights, privileges, immunities, duties, or obligations of any person or group of persons.

"Record" is defined in the RTKL as information, regardless of physical form or characteristics, that documents a LCTA transaction or activity and that is created, received or retained pursuant to law or in connection with a LCTA transaction, business or activity. 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 if in the possession and records of LCTA.

"Public records" do not include any report, communication, or other paper, the publication of which would disclose the institution, progress, or result of any investigation undertaken by the LCTA in the performance of its official duties, except reports filed by other agencies pertaining to safety and health. The terms does not include any record, documents, material exhibit, pleading, report, memorandum, or other paper, access to or the publication of which is prohibited, restricted, or forbidden by statute, law, or order or decree of court, or which would operate to the prejudice or impairment of a person's reputation or personal security or which would result in a loss by the Commonwealth or any of its political subdivisions or commissions or state or municipal authorities of federal funds, excepting therefrom, however, the record of any conviction for any criminal act.

## Inspection

Public records are open to inspection and for duplication during normal office hours, 9 a.m. to

4:00 p.m., Monday through Friday, except for holidays, subject to the regulations noted below.

### **Format**

A public record must **be** provided to the requesting party **in** the form requested, if it exists in that form. Otherwise, it will be provided in the form in which it exists among the LCTA records. The LCTA may make its records available through any publicly accessible electronic means, in which event it may respond to a request by notifying the Requester that the record is available through publicly accessible electronic means. If the requester is unwilling or unable to access the record electronically, the requester may submit a written request to have the record converted to paper. The LCTA will provide copies of identifiable and existing public records but is not required to create, synthesize, compile, **maintain**, format, convert, or organize records in response to a request.

### **Request for Public Records**

An individual may make a written request for access to a record. A written request includes those sent via electronic mail (e-mail). The office or department to which the request is made shall immediately forward the request to the LCTA's Open Records Officer. The requester will **be** directed to the appropriate LCTA administrator able to satisfy the request.

The LCTA shall not inquire as to the intended use of the record.

A requester may not pursue any relief available under the Act unless the request is in writing. Written requests for LCTA records are to be sent to the LCTA Records Officer and addressed as follows:

Luzerne County Transportation Authority Solicitor, Attn: LCTA Open Records Officer, 315 Northampton Street, Kingston, Pennsylvania, 18704. Phone: 570-288-9356. Fax: 570-288-7327.

The written request must:

- Provide a name, an address to which the records are to be mailed and a telephone number or indicate that the records will be picked-up by the requester in person at the office listed above. An email address should **be** provided if information is to be sent electronically.
- Identify or describe the specific records being sought. The request must be sufficiently specific to enable the LCTA to determine which records are being requested and include the date of the information requested as well as the type of information.
- The requester may also request access to records for viewing. The LCTA reserves the right to deny an access request if the records cannot be reasonably accessed for viewing.

- Requests must identify or describe records and/or documents with sufficient specificity to ascertain which records and/or documents are being requested. Vague requests will be denied. Requests without sufficient contact information, such as an address, phone number, and/or email address, will be denied.

### Processing Requests

The requester will be notified in writing within five (5) business days of receipt that the request for information is under review, and that can expect a response within thirty (30) days. The requester will also receive notification within thirty (30) days if the request was denied, the notification will include justification as to why it was denied. If it is determined during review that fees will be assessed for copying and/or research costs, the requester will be notified of the amount and asked whether they wish to proceed with the request.

Requesters will only be provided with existing LCTA public records. If, upon reasonable investigation, available records pertaining to the request do not exist, the requester will be so notified.

### Redaction

The LCTA will grant access to public records according to statutory requirements and this Policy. The LCTA will separate and exclude any records which are not public record or which are otherwise excluded or exempted from the definition of public records. If information which is not subject to access is an integral part of a public record and cannot be separated, the LCTA may redact from the public record the information which is not subject to access and the response shall grant access only to the information which is subject to access.

### Manner of Response

If not otherwise requested by the requester, the LCTA shall send the requested public records by regular mail, or at the option of the LCTA, may send the public records by electronic mail to those requesters capable of receiving electronic mail.

The requester may request delivery of the public records by mail, facsimile, express mail, e-mail or other customarily available methods. The LCTA shall make a good faith effort to send the public records by the method requested.

The postage or other actual fees for delivery shall be charged to the requester. If a requester desires to receive the public records in person, he/she may communicate the request by mail or facsimile to the LCTA to retain the records for pick-up at the office.

Upon receiving the request, the LCTA shall make a good faith effort to hold the requested public records for a reasonable period of time, which shall not exceed sixty (60) days.

The LCTA may waive the fees for duplication of a public record including, but not limited to

when:

- 1) The requester duplicates the public record; or
- 2) The LCTA deems it is in the public interest to do so.

Determination as to waiver of fees, in whole or in part, shall be made by the LCTA Open Records Officer.

### Appeals

Written requests for records denied by the LCTA Open Records Officer may be appealed to the Office of Open Records of the Commonwealth of Pennsylvania, Director of Communications, DCED, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, Pennsylvania, 17120-0225.

### Judicial Appeal

Appeals from final decisions of the Office of Open Records of the Commonwealth of Pennsylvania may be filed with the Court of Common Pleas of Luzerne County.

### Posting of Policy

This policy shall be posted throughout the LCTA' offices and on its Web site.

### Fees

Fees are to be paid at the time the records are delivered unless prepayment is required.

### Record Type

Copies: (A photocopy is either a single-sided copy or one side of a double sided black and white copy of a standard 8.5" x 11.5" page.)	\$ .25 per page
Certificate of a Record:	\$1.00 per record, fees does not include notarization fees.
Specialized documents: For example, but Limited to, blue prints, color copies, Non-standard sized documents:	Actual cost
Floppy disk:	\$1.00
CD:	\$5.00

DVD:

\$25.00

#### INSPECTION OF REDACTED RECORDS:

If a requester wishes to inspect rather than receive a copy of a record and the record contains both public and non-public information, the LCTA shall redact the non-public information. The LCTA may charge for the copies it must make of the redacted material in order for the requester to view the public record. The fee structure outlined above will apply. If, after inspecting the records, the requester chooses to obtain the copies, no additional fee may be charged.

#### Enhanced Electronic Access:

The LCTA may offer enhanced electronic access to records in addition to making the records accessible for inspection and duplication by a requester, the LCTA may establish user fees specifically for the provision of the enhanced electronic access, but only to the extent that the enhanced electronic access is in addition to making the records accessible for inspection and duplication by a requester. The user fees for enhanced electronic access may be a flat rate, a subscription fee for a period of time, a per-transaction fee, a fee based on the cumulative time system access or any other reasonable method and any combination thereof.

#### Amendments

The LCTA may enact amendments, revisions or clarifications to this Policy by action of its Board of Directors.

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STANLEY STRELISH,  
EXECUTIVE DIRECTOR  
LUZERNE COUNTY TRANSPORTATION  
AUTHORITY