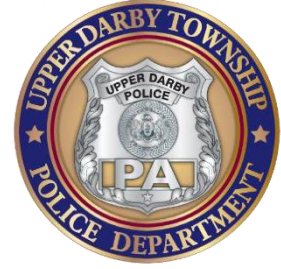


**UPPER DARBY TOWNSHIP
POLICE DEPARTMENT
POLICY & PROCEDURES**



SUBJECT: PUBLIC INFORMATION AND RIGHT TO KNOW

BY THE ORDER OF:
Superintendent of Police Timothy Bernhardt

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PURPOSE: On January 1, 2009, Act 3 of 2008, the Right-to-Know Law, became effective. This Act provided for access to public information, for a designated opens-record officer for each local agency, for procedure, and appeal of agency determination, for judicial review and for the Office of Open Records. This policy is implemented for the purpose of this department complying with the procedures set forth in the Opens Records Law.

POLICY: It shall be the policy of the Upper Darby Township Police Department that all personnel comply with the provisions of this policy.

PROCEDURES:

I. PUBLIC INFORMATION AND RIGHT-TO-KNOW:

A. Providing public records:

1. The police department will provide public records in accordance with the Pennsylvania Right-to-Know Law.
2. Definition of Public Records: A record, including a financial record, of a local agency that:
 - a. Is not exempt under section 708 of the Right-to-Know Law;
 - b. Is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree
 - c. A record that is not protected by a privilege.

B. Designation of an Open Records Officer:

1. Upper Darby Township has designated the Chief Administrative Officer as the Open Records Officer of the Department and Township matters.
2. If an open records officer has been designated by the municipality, the Superintendent of Police shall work in conjunction with that position for Criminal History Records Information Act requests or other requests where the information requested would not be lawfully accessible by a civilian open records officer.
3. The Superintendent of Police may delegate the responsibilities of that position within the department, as he/she deems necessary.
4. Functions:
 - a. The Open Records Officer shall receive requests submitted to the agency under the Right-to-Know Law, and direct requests to other appropriate persons within the agency or to appropriate persons in another agency;
 - b. The Open Records Officer will track the department's progress in responding to requests and issue interim and final responses under this act;
 - c. Upon receiving a request for a public record(s), the Open Records Officer will do the following:
 1. Note the date of receipt on the written request;
 2. Compute the day on which the five-day period under section 901 of the Right-to-Know Law will expire and make a notation of that date on the written request;

3. Maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been fulfilled; and
4. If the request is denied, the written request shall be maintained for 30 days or, if an appeal is filed, until final determination is issued under section 1101(b) or the appeal is deemed denied.

C. Posting requirements:

1. The following information will be posted at the department and on the Department's website:
 - a. Contact information for the Open Records Officer;
 - b. Contact information for the Office of Open Records or other applicable appeals officer;
 - c. The Open Records Request Form; and
 - d. Regulations, policies and procedures of the department relating to the Right-to-Know law.

D. Process for Requesting Information:

1. With the exception of vehicle crash reports (as listed under statute 75 Pa.C.S. 3751 (b)(2)), all requests for public records under the Right-to-Know Law shall be in writing and shall be made utilizing the Open Records Request Form developed by Upper Darby Township or the Standard Right-to-Know Request Form specified by the Pennsylvania Office of Open Records.
2. Request Forms may be submitted in the following manner:
 - a. Via mail:
 1. Completed Request Forms may be mailed to the following address:
Upper Darby Township
Right to Know Request
ATTN: Chief Administrative Officer
100 Garrett Road – Room 206
Upper Darby, PA 19082
 - b. Via fax:
 1. Completed Request Forms may be faxed to 610-734-7709.
 - c. In person:
 - d. Completed Request Forms may be delivered to the CAO Office at 100 Garrett Road – Room 206, during established business hours on Monday Friday, from 8:00 am to 4:00 pm with the exception of holidays.

- e. Electronically:
 - 1. Requests may be submitted via [Upper Darby Township's Right to Know Records Request Portal](#).

E. Responses to a Request:

- 1. Upper Darby Township will respond in writing to a Right-to-Know Request within five working days.
- 2. Within five working days, Upper Darby Township will respond in one of the following three ways:
 - a. Grant the request and provide the records;
 - b. Deny the request in whole or in part, cite the reason for the denial, and outline the appeals process for the requestor (refer to #5); or
 - c. Invoke a 30 calendar-day extension.
- 3. In the event that Upper Darby Township invokes an extension, the Township will within the 30 days take one of the following actions:
 - a. Grant the request and provide the records; or
 - b. Deny the request in whole or in part, cite the reason for the denial, and outline the appeals process for the requestor.
- 4. Pennsylvania statute (75 Pa.C.S. 3751 (b) (2) gives Upper Darby Township the authority to charge up to \$15.00 per report for providing a copy of a vehicle accident report. Non-police related reports such as minutes and financial records will follow the township fee structure established by the Office of Open Records:
 - a. Up to 25 cents per page for black-and-white copies;
 - b. Actual cost for specialized documents such as color copies or blueprints;
 - c. \$1 per page for certifications;
 - d. Actual cost for fax, microfiche, or other media; and/or
 - e. Actual cost for postage.
- 5. If a written request is denied or deemed denied, the requestor shall be advised of the appeal process.
 - a. The requestor must file the appeal in writing (may utilize the Pennsylvania Office of Open Records Appeals Form).
 - b. The appeal must include the following information:
 - 1. A copy of the original Right-to-Know request.

2. A copy of Upper Darby Township's response (or a written statement that the request was deemed denied due to a lack of response).
 3. Statement of the grounds for asserting that the information requested is a public record.
 4. Address any ground stated by Upper Darby Township for denying the request.
- c. The appeal must be submitted to the Office of Open Records within 15 business days of the mailing date of the Township's response.
- d. Appeals may be submitted via any of the following methods:
1. Appeals may be mailed to:

Commonwealth of Pennsylvania
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
 2. Appeals may be faxed to 717-425-5343.
 3. Appeals may be submitted via email as a Microsoft Word document or PDF attachment to openrecords@pa.gov.

F. Redaction:

1. If Upper Darby Township determines that a public record contains information which is subject to access as well as information which is not subject to access, the Township's response will grant access to the information which is subject to access and deny access to the information which is not subject to access. Upper Darby Township and/or the Police Department will redact from the record the information which is not subject to access. The Police Department may not deny access to the record if the information which is not subject to access is able to be redacted.

G. Prohibitions:

1. No policy or regulation of the Police Department shall include any of the following:
 - a. A limitation on the number of records which may be requested or made available for inspection or duplication.
 - b. A requirement to disclose the purpose or motive in requesting access to records.