

BOROUGH OF SHOEMAKERSVILLE
POLICY FOR ACCESS TO PUBLIC RECORDS

SECTION 1. All requests for access to public records of the Borough of Shoemakersville shall be made in writing, verbally, by fax, or e-mail.

SECTION 2. All requests for access to public records of the Borough of Shoemakersville shall be directed to the Open Records Officer, Borough of Shoemakersville, 115 E. 9th St., Shoemakersville, Berks County , PA 19555; Telephone: 610-562-5030, fax: 610-562-4950, or e-mail: administration@shoeyboro.org.

SECTION 3. When a request is received for access to public records, the Borough shall make a determination with 5 business days of the receipt of the request, to grant or deny the request. The person or entity requesting the information shall be promptly notified of the Borough's decision.

SECTION 4. If, after receiving a request for access to public records, the Borough determines any of the following circumstances exist, the person or entity requesting access to the records shall be issued a notice that the request is being reviewed:

- (a) The request for access requires redaction of a public record;
- (b) The request for access requires retrieval of a record stored in a remote location;
- (c) A timely response to the request for access cannot be accomplished due to bona fide and specified staff limitations;
- (d) A legal review of the request is necessary to determine whether the records is a public record subject to access under the Act;
- (e) The person or entity requesting access to the public record has not complied with the Borough's policies regarding access to public records; or
- (f) The person requesting access to the record refuses to pay applicable fees as contained herein.

The person or entity requesting access to the public record shall be informed in writing as to the specific reason that their request is being reviewed.

SECTION 5. If a request for access to public records is denied, the person or entity requesting the records shall be informed of the reason that the request has been denied and shall be given the authority relied upon by the Borough for denying access. The notice of denial shall contain the name of the person making the decision to deny access to the public record, the date of the denial, and shall include the signature of the person denying access, along with an explanation of the procedures for appealing the Borough's denial of access to the record in question.

SECTION 6. The following fees shall be applicable to requests for access to public records:

- (a) Photocopying fees – 25 cents per page;
- (b) Certification of a public record - \$10 per record certified;
- (c) Copying records onto electronic media - \$20 plus actual cost of materials and media used for copying, and
- (d) Copying off-site of subdivision, land development or other plans - \$20 plus actual cost incurred.

The Borough, in its sole discretion, may waive the fees for duplication of public records if the Borough determines that it is in the public interest to do so.

SECTION 7. If the estimated costs of duplication of a public record is expected to exceed \$100.00, the Borough may require the person or entity requesting the record to prepay the estimated fees authorized by this policy, prior to providing access to the public record. Access to the records requested shall be postponed until prepayment is received.

Appeal

- A. If you choose to appeal the denial of access under the Right-to-Know Law, you may appeal to the Borough Council of the borough of Shoemakersville by filing exceptions within 15 business days of the mailing date of our response or 15 days of a deemed denial (including grounds that it is a public record, and address any grounds stated by the Borough of delaying or denying the request) at the Borough of Shoemakersville, 115 E. 9th St., Shoemakersville, PA 19555.
- B. The Borough Council will make a written determination with 30 days of the mailing date of the exceptions. If denied, a written explanation of the reason of the denial will be provided to you.
- C. You may appeal the decision within 30 days of the denial to the Court of Common Pleas of the Berks County.
- D. The Borough must be served notice of the action and must be given an opportunity to respond.
- E. The record before the court must consist of the request; the Borough's response; the requester's exceptions; the hearing transcript, if any; and the Councils' final determination, if applicable.