

# **CECIL TOWNSHIP**

## **Right-to-Know Policy**

(Adopted October 7, 2024 pursuant to 65 P.S. § 67.504(a))

***Effective Date: October 8, 2024***

### **I. Authority**

Cecil Township (“Township”) adopts this policy pursuant to Section 504(a) of the Right-to-Know Law, 65 P.S. § 67.101, *et seq.* (“RTKL”). The Township has made this policy available to the public at its administrative office and on its public website along with a Standard RTKL Request Form. *See* 65 P.S. § 67.504(b).

### **II. Definitions**

All definitions set forth in the RTKL are incorporated into this policy by reference. *See* 65 P.S. § 67.102.

***Business day.*** The regular business hours of the Township are 8:00 a.m. through 4:00 p.m., Monday through Friday. Business days exclude Saturday and Sunday and any weekday on which the Township is closed for business.

### **III. Township Website**

The Township maintains a public website at <https://www.ceciltownship-pa.gov/>. Many of the records most commonly requested from the Township are available on the website. The following information is also posted on the Township’s website: Cecil Township Open Records Officer contact information; contact information for the Office of Open Records (“OOR”); a form which may be used to file a RTKL request; and a copy of this policy. *See* 65 P.S. § 67.504(b).

### **IV. Submitting a RTKL Request to the Township**

***Open Records Officer.*** The Township hereby designates the Cecil Township Manager as the Open Records Officer, who shall respond to RTKL requests. The Township hereby designates the Finance Administrator as the alternate or backup Open Records Officer.

The contact information for the Cecil Township Open Records Officer is:

Donald Gennuso, Cecil Township Open Records Officer  
3599 Millers Run Road  
Cecil, Pennsylvania 15231  
T: (724) 745-2227  
F: (724) 745-2905  
Email: [manager@ceciltownship.com](mailto:manager@ceciltownship.com)

In the event the Open Records Officer is not available, please direct your request to:

Cindy Stevens, Finance Administrator  
Same contact information as above  
Email: [calexander@ceciltownship.com](mailto:calexander@ceciltownship.com)

***Request.*** Requests must be submitted in writing using the Standard RTKL Request Form, which is available on the Township's website and on the OOR's website, at <https://www.openrecords.pa.gov/RTKL/Forms.cfm>. The request must be addressed to the Open Records Officer. If a requester chooses not to use the Standard RTKL Request Form, the request will be considered an informal request, not subject to the RTKL. This means that the requester cannot pursue the relief and remedies provided for in the RTKL. To allow the Township to locate requested records and determine whether those records are public, requests for records should be specific and concise and clearly identify, as precisely as possible, the records sought. *See* 65 P.S. § 67.703. Requesters should clearly indicate the preferred method of access—paper copies, electronic copies or by inspection. A request should retain a copy of the request, a copy of the request is necessary should a requester appeal the Township's response.

***Receipt of the request.*** For the purpose of calculating the response deadline, the Township is deemed to have received the request on the business day that the Open Records Officer receives the request. *See* 65 P.S. § 67.901. Any request that is received by the Township after the close of regular business hours shall be deemed to be received on the next business day. If the request is received by a Township employee other than the Open Records Officer, the request will be forwarded to the Open Records Officer as soon as is practical.

***Verbal Requests.*** The Township will respond to verbal requests for records at its discretion. Requesters submitting verbal requests for records should be aware that they may not pursue the remedies available to the requester under the RTKL.

***Anonymous requests.*** Anonymous requests for records will not be considered.

***Response period generally.*** The Township has five (5) business days to respond to a request for records under the RTKL. If the Township does not respond, the request is considered "deemed denied," and a requester's appeal rights commence.

## **V. Township Response**

***Response.*** The Open Records Officer shall make a good-faith effort to provide the requested public records as promptly as possible within the five (5) business day timeframe. The Open Records Officer shall cooperate with those requesting records to review and/or duplicate original documents while taking reasonable measures to protect original documents from the possibility of theft, damage, and/or modification.

***Extension of time for response.*** The Township is permitted to take an additional thirty (30) calendar days to respond to any request for the reasons set forth in Section 902 of the RTKL. *See* 65 P.S. § 67.902. If the Township invokes an extension, the Township will inform the requester in writing, in accordance with the requirements set forth in Section 902(b)(2) of the RTKL. If the date that a

response is expected to be provided exceeds thirty (30) days, the request shall be deemed denied unless the requester has agreed in writing to an extension to the date specified by the Township. *See* 65 P.S. § 67.902(b)(2).

**Trade secrets.** If a request involves records provided to the Township by a third party and the third party previously provided the Township with a written statement that the record contains a trade secret or confidential proprietary information, the Township shall provide notice to the third party. *See* 65 P.S. § 67.707(b).

**Final response.** The Township may grant a request, partially grant and partially deny a request, or deny a request in its entirety. The final response of the Township will be in writing. Should the Township fail to issue a response within the applicable response period, the request is deemed denied. *See* P.S. § 67.901.

- a. Granting access to records. The Township may grant a request for records by issuing a response: (1) granting access to inspect Township records during the Township's regular business hours; (2) sending copies of the records to the requester; or (3) by notifying the requester that the records are available on the Township website or other publicly accessible electronic means. *See* 65 P.S. §§ 67.701(a), 67.704.
- b. Denying or partially denying access to records. Should the Township deny or partially deny a request for records through redaction or otherwise, the Township will inform the requester of the denial or partial denial in writing. The response will describe the requested records, inform the requester that the Township does not possess the responsive records or, if the records are exempt from public access, provide a citation to the relevant legal basis for withholding the requested records. *See* 65 P.S. § 67.903. Additionally, the response will provide the name, signature, title, business address and telephone number of the Open Records Officer who denied the request, as well as the date of the response and the procedure to appeal the denial. *See* 65 P.S. § 67.903.

**Fees.** The Township will charge fees consistent with the RTKL Fee Structure, available at <https://www.openrecords.pa.gov/RTKL/FeeStructure.cfm>.

## **VI. RTKL Appeals**

**Generally.** To challenge the denial, partial denial, or deemed denial of a request for Township records, an appeal may be filed using the OOR appeal form, available at <https://www.openrecords.pa.gov/Appeals/AppealForm.cfm>, or by contacting the OOR at the following address:

Office of Open Records  
Commonwealth of Pennsylvania  
333 Market St., 16th Floor  
Harrisburg, PA 17101  
[openrecords@pa.gov](mailto:openrecords@pa.gov)

***Criminal investigative records.*** To challenge the denial of a request or portion of a request on the basis that records were withheld because they are related to criminal investigative records, an appeal may be filed by contacting:

District Attorney of Washington County  
26 South Main Street  
Washington, PA 15301  
T: 724-228-6790

***Requirements of an appeal.*** All appeals must be filed within fifteen (15) business days of the mailing date of the Township's denial, partial denial, or deemed denial of the request. All appeals must be in writing; must state the grounds upon which the requester asserts that the requested records are public records; must address any grounds stated by the Township for denying the request; and must include a copy of the request and the Township's response, if any. *See* 65 P.S. § 67.1101(a)(1).

## **VII. Township Notification of Third Parties on Appeal**

***Township must notify third parties.*** If records affect a legal or security interest of any employee of the Township; contain confidential, proprietary or trademarked records of a person or business entity; or are held by a contractor or vendor, the Township must notify such parties of the appeal immediately and provide proof of that notice to the OOR within seven (7) business days from the date of the OOR's Official Notice of Appeal. Such notice must be made by (1) providing a copy of all documents included with the appeal to the OOR; and (2) advising that interested persons may request to participate in the appeal. *See* 65 P.S. § 67.1101(c).

## **VIII. Mediation**

The RTKL requires the OOR to establish an informal mediation process to resolve disputes under the RTKL. 65 P.S. § 67.1310(a)(6). This is a voluntary process to help parties reach a mutually agreeable settlement on records disputes before the OOR. Mediation, which is a facilitated conversation between the parties that can serve as a fair and efficient tool to resolve conflicts, can save time and expense. When appropriate, the Township is open to resolving RTKL disputes through the OOR's mediation process.

## **IX. Record Retention**

Notwithstanding any existing record retention policy, once a RTKL request is received, the Township shall maintain, preserve, retain, protect, and not destroy any and all records, both electronic and hard copy, that are potentially responsive to the request until such time as the request is fulfilled and all associated appeals are resolved.

## **X. Additional Information about the RTKL**

Additional information about the RTKL, the request process, and the appeal process is available on the OOR website at <https://www.openrecords.pa.gov>.