



Butler Transit Authority

Open Records Policy

BUTLER TRANSIT AUTHORITY ACCESS TO PUBLIC RECORDS POLICY

The purpose of this policy is to ensure compliance with the Pennsylvania Right-to-Know Law, 65 P.S. § 66.1 et seq., as amended, by Act 3 of 2008, to provide access to all public records of the Butler Transit Authority, except for those records enumerated as exceptions to the law, to preserve the integrity of the Butler Transit Authority records, and to minimize the financial impact to the public regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records. Such records to be included are those in the possession, custody or control of the Butler Transit Authority, and records within the possession of a party with whom the Butler Transit Authority has contracted to perform a government function and the record related to that government function. All requests for public documents must be made on the approved form, a sample of which is attached, identified as Standard Right-To-Know Request Form.

It is the policy of the Butler Transit Authority to require the presence of its designated Open Records Officer, when public records are examined and inspected and to charge reasonable fees for duplication of public records of the Butler Transit Authority. The Butler Transit Authority's designated Open Records Officer is responsible for assuring compliance with the Pennsylvania Right-To-Know Law, in accordance with the following guidelines:

1. The Open Records Officer will determine if the record is subject to its possession, custody or control.
2. The Open Records Officer will determine if the record, which is presumed to be a public record, is exempted from disclosure.
3. The Open Records Officer shall make a timely written response to the request.
4. Only written requests will receive statutory protection. Written requests can be submitted in person, by mail, by facsimile, or by e-mail. All employees and authorized representatives of the Butler Transit Authority will be directed to forward record requests to the Open Records Officer.
5. The Open Records Officer shall respond within five (5) days of the date of receipt of the request.
6. If the Open Records Officer denies the request, the requester can file an appeal with the Office of Open Records within fifteen (15) days. The Office of Open Records reviews the request and response and issues a final determination. Either the requester or the Butler Transit Authority can appeal the decision of the Offices of Open records to the Butler County of Common Pleas.
7. The statute expressly provides, because all records are presumed to be public records, that that the Butler Transit Authority bears the burden of proving, by a preponderance of the evidence that the public record is subject to one of the enumerated exceptions to disclosure.
8. For criminal records, the requestor is to appeal to the Butler County District Attorney, P.O. Box 1208, Butler, PA 16003-1208.

9. Fees for duplication of public records shall be as follows:
 - (a) Photocopying: 25 cent (\$.25) per page.
 - (b) Duplication of public electronic and/or tape records, and records not able to be duplicated by the Butler Transit Authority personnel and equipment: actual cost to the Butler Transit Authority of duplicating the public record.
 - (c) Certified copies: One dollar (\$1.00) per page.
 - (d) Postage: actual cost to the Butler Transit Authority of mailing the public record.
10. In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed \$100.00, the Open Records Officer shall obtain fifty percent (50%) of the expected cost in advance of fulfilling the request to avoid an unwarranted impact on the Butler Transit Authority finances and revenue.
11. If the request is granted, the requestor shall be notified by the Open Records Officer by first class mail on the form identified as right-to-know response form information request granted.
12. If access to the record requested is denied, pursuant to Section 706 of the Act, the requestor shall be notified by the Open Records Officer by first class mail on the form identified as the right-to-know response form information request denial. Such denial is subject to an appeal process.
13. If the request is denied, the requester may file exceptions with the Office of Open Records within fifteen (15) days of the mailing date of the Butler Transit Authority's notice of denial, as described in item number 6.
14. If access to the record requested is granted in part and denied in part, pursuant to Section 708 (b) of the Act, the requestor shall be notified by the Open Records Officer by first class mail on the form identified as the right-to-know response form information request partial granting and partial denial. Such granting and denial is subject to an appeal process within fifteen (15) business days of the mailing date of the Butler Transit Authority's notice of partial denial of information request, as described in item number 6.
15. This policy shall take effect on December 31, 2008.

Butler Transit Authority
130 Hollywood Drive, Suite 101
Butler, PA 16001

STANDARD RIGHT-TO-KNOW REQUEST FORM
PURSUANT TO THE PROVISIONS OF ACT 3 OF 2008

DATE REQUESTED: _____

REQUEST SUBMITTED BY: EMAIL _____ U.S. MAIL _____ FAX _____ IN-PERSON _____

NAME OF REQUESTOR: _____

STREET ADDRESS: _____

CITY/STATE/COUNTY (Required): _____

TELEPHONE (Optional): _____

RECORDS REQUESTED:

*Proved as much specific detail as possible so the agency can identify the information.

DO YOU WANT COPIES? YES or NO

DO YOU WANT TO INSPECT THE RECORDS? YES or NO

DO YOU WANT CERTIFIED COPIES OF RECORDS? YES or NO

For Office Use Only

OPEN RECORDS OFFICER: _____

DATE RECEIVED BY THE AGENCY: _____

AGENCY FIVE (5) DAY RESPONSE DUE: _____