

BOROUGH OF WEST MIFFLIN
PENNSYLVANIA

RIGHT-TO-KNOW LAW

*** Records officers ***

*** Rules & Regulations ***

*** Fee Structure ***

*** Right-To-Know Request Form ***

OPEN RECORDS OFFICERS BOROUGH OF WEST MIFFLIN

Open Records Officer:

Brian Kamauf

Borough Manager Borough of West Mifflin 1020 Lebanon
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West Mifflin,

PA 15122

Phone: (412) 466-8170

Fax: (412) 466-8173

Email: BKamauf@WestMifflinBorough.com

Substitute Open Records Officer: Anthony Topolnak

Chief of Police

Borough of West Mifflin

1020 Lebanon Road

West Mifflin,

PA 15122

Phone: (412) 461-3125

Fax: (412) 461-3944

Email: ATopolnak@WestMifflinBorough.com

Pennsylvania Office of Open Records:

Commonwealth of Pennsylvania

Office of Open Records Commonwealth Keystone Building

400 North Street, Plaza Level Harrisburg, PA 17120-0225

Phone: (717) 346-9903

Email: OpenRecords@State.Pa.US

Right-to-Know Law Regulations
Borough of WEST MIFFLIN

1. The Borough, at all times, shall accept, manage, process and determine Right-to-Know requests pursuant to Pennsylvania Right-to-Know Law, Act 3 of 2008, and any subsequent amendments thereto.
2. The Borough's Public Records Officer shall be the Borough Manager.
3. The Borough's Substitute Public Records Officer shall be the Chief of Police. The Borough's Substitute Public Records Officer shall fulfill the duties of the Public Records Officer during an absence of the Public Records Officer.
4. The Borough shall accept Right-to-Know Law requests made to the Public Records Officer via regular mail, email, facsimile and in-person.
5. Right-to-Know Law requests submitted via regular mail, email or facsimile should clearly state in the Re: or Subject: line "Right-to-Know Law Request."
6. The Borough shall not accept Right-to-Know Law requests via telephone.
7. The Borough shall not accept verbal or written anonymous requests.
8. Public records previously disposed or once disposed in the future by the Borough, as permitted by the Commonwealth of Pennsylvania pursuant to the Municipal Records Act (53 P.S. § 1383 et seq.) and the rules promulgated there under (46 Pa. Code § 15.51 et seq.), are no longer available for Right-to-Know Law requests.
9. Prior to granting a request for access in accordance with the Right-to-Know Law, the Borough requires a requester to prepay an estimate of the fees authorized under the fee structure adopted by the Office of Open Records on November 24, 2008, as amended, if the fees required to fulfill the request are expected to exceed \$100. Once the request is fulfilled and prepared for release, the requester shall remit the balance of any fee over the \$100.00 pre-payment fee prior to receiving the records.
10. Pursuant to the fee structure established by the Office of Open Records under Section 1307 of the Right-to-Know Law, and any subsequent amendments thereto, the Borough's photocopy fee per page is 25 cents with certification of records is available at \$1.00 per record.



Fee Structure

Section 1307 of the Right-To-Know law requires the Office of Open Records to establish a fee structure for Commonwealth Agencies and Local Agencies. To promote uniformity among all agencies, the Office of Open Records encourages Judicial and Legislative agencies, which can set their own fees, to adopt the following fee structure. All agencies are advised that duplication fees can be waived.

The Office of Open Records establishes the following fee structure in accordance with the law.

Record Type	Fee Structure
Copies: (A "photocopy" is either a single-sided copy or one side of a double-sided blackand-white copy of a standard 8.5" x 11" page)	Fee .25 cents per page.
Certification of a Record:	\$1 per record, not per page. <i>Please note that certification fees do not include notarization fees.</i>
Specialized documents: For example, but not limited to, blue prints, color copies, non-standard sized documents	Actual Cost
Facsimile/Microfiche/Other Media:	Actual Cost
Redaction Fee:	No Redaction Fee May be Imposed
Conversion to Paper:	If a record is only maintained electronically or in other non-paper media, duplication fees shall be limited to the lesser of the fee for duplication on paper or the fee for duplication in the original media unless the requester specifically requests for the record to be duplicated in the more expensive medium. (Sec. 1307(e)).
Postage Fees:	Fees for Postage May Not Exceed the Actual Cost of Mailing

Please Also Be Advised:

- **Statutory Fees:** If a separate statute authorizes an agency to charge a set amount for a certain type of record, the agency may charge no more than that statutory amount. For example, a Recorder of Deeds may charge a copy fee of 50 cents per uncertified page and \$1.50 per certified page under 42 P.S. § 21051. Police departments have the authority to charge up to \$15 per report for providing a copy of a vehicle accident report. 75 Pa.C.S. §3751 (b)(2). Philadelphia police may charge up to \$25 per copy. *Id.* at (b)(3). State police are authorized to charge “\$5 for each copy of the Pennsylvania State Police full report of investigation.” 75 Pa.C.S. §1956(b).
- **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 agency shall redact the non-public information. An agency may not charge the requester for the redaction. However, the Agency 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:** If an agency offers enhanced electronic access to records in addition to making the records accessible for inspection and duplication by a requester, the agency 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 as required by this Act. 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 of system access or any other reasonable method and any combination thereof. **The user fees for enhanced electronic access must be reasonable, must be pre-approved by the Office of Open Records and shall not be established with the intent or effect of excluding persons from access to records or duplicates thereof or of creating profit for the agency.** Please submit any request to the Office of Open Records, 400 North Street, Harrisburg, PA. 17120.
- **Fee Limitations:** Except as otherwise provided by statute, the law states that **no other fees may be imposed** unless the agency necessarily incurs costs for complying with the request, and such fees must be reasonable. No fee may be imposed for an agency’s review of a record to determine whether the record is a public record, legislative record or financial record subject to access in accordance with this Act. No fee may be charged for searching for or retrieval of documents. An agency may not charge staff time or salary for complying with a RTK request.
- **Prepayment:** Prior to granting a request for access in accordance with this Act, an agency may require a requester to prepay an estimate of the fees authorized under this section if the fees required to fulfill the request are expected to exceed \$100.

Once the request is fulfilled and prepared for release, the Office of Open Records recommends that the agency obtain the cost of the records prior to releasing the records. This recommendation is designed to avoid situations in which the agency provides the records and the requester fails to submit payment.



pennsylvania
OFFICE OF OPEN RECORDS

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED:

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

NAME OF REQUESTER : _____

STREET ADDRESS : _____

CITY/STATE/COUNTY/ZIP(Required): _____

TELEPHONE (Optional): _____

RECORDS REQUESTED: **Provide 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

**** PLEASE NOTE: RETAIN A COPY OF THIS REQUEST FOR YOUR FILES ****
**** IT IS A REQUIRED DOCUMENT IF YOU WOULD NEED TO FILE AN APPEAL ****

FOR AGENCY USE ONLY

RIGHT TO KNOW OFFICER:

DATE RECEIVED BY THE AGENCY:

AGENCY FIVE (5) BUSINESS DAY RESPONSE DUE:

***Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)*