

**ARIN Intermediate Unit 28  
Right-to-Know Policy**

**Revised March 17, 2009**

**Inspection and Copying of Public Records**

**I. Purpose**

The purpose of this policy is to establish procedures to ensure ARIN Intermediate Unit 28 complies with the requirements of the Right-to-Know Act, 65 P.S. § 66.1 *et seq*, which allows residents of the United States to inspect and obtain copies of public records.

**II. Definitions**

For purposes of this policy, the terms set forth below shall have the following meanings:

“IU” shall mean ARIN Intermediate Unit 28, 2895 W Pike, Indiana, PA 15701

“Business day” shall mean a calendar day in which the administrative office of the Intermediate Unit (IU) is open for business and does not include any day where the administrative offices are closed due to inclement weather, holidays or emergencies.

“Financial Record” shall mean any account, voucher or contract dealing with the receipt or disbursement of funds or acquisition, use or disposal of services, supplies, materials, equipment or property; or the salary or other payments or expenses paid to an officer or employee of the IU, including the individual’s name and title; and a financial audit report excluding the audit’s underlying work papers.

“Public Record” shall mean a record, including a financial record, of the IU that:  
(i) is not exempt from disclosure under Pennsylvania’s Right-to-Know Act (ii) is not exempt from being disclosed under any other federal or state law, regulation, judicial order or decree; and (iii) is not protected by a privilege.

“Record” shall mean information, regardless of physical form or characteristics, that document a transaction or activity of the IU and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the IU. The term “record” includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and a data-processed or image-processed document.

“Requester” shall mean any person who is a resident of the United States and requests access to a record pursuant to the Right-To-Know Act.

“Response” shall mean access to a record or written notice from the IU granting, denying or partially granting and partially denying access to a record.

### **III. Open Records Officer**

The ARIN IU 28 Board designates the **Director of Special Education** to act as the IU's Open Records Officer.

The Open Records Officer shall be responsible for the following duties in order to implement the requirements of this policy:

1. Receive all written requests for access to records submitted to the IU.
2. Direct request to other appropriate persons within the IU or in another agency for a response.
3. Track the IU's progress in responding to requests for access to records.
4. Issue interim and final responses to submitted requests.
5. Maintain a log of all record requests and the IU's responses.
6. Ensure appropriate IU staff are trained to perform assigned job functions relative to request for access to records.

After receiving a written request for access to a public record, the Open Records Officer shall take the following steps in order to track the ongoing status of and final disposition of the IU's response:

1. Note the date on which the written request was received by the IU.
2. Compute the day on which the five (5) business day period for the IU's response will expire and make a notation of that date on the written request.
3. Maintain an electronic or paper copy of the written request, including all documents submitted with the request, at least until the request has been fulfilled.
4. If the written request is denied, in full or in part, maintain the written request for at least thirty (30) days or, if an appeal is filed to challenge the denial, until a final determination is issued regarding the appeal.

The IU shall post the following information on its official website to implement this policy and comply with the Right-to-Know Act:

1. Contact information for the IU's Open Records Officer.
2. Contact information for the State Office of Open Records.
3. A copy of the IU's form which may be used to file a request.
4. A copy of this policy, its administrative regulations and the IU's request form.

#### **IV. Requests for Access to Public Records**

Any requester seeking access to or duplication of a public record must submit a written request addressed to the Open Records Officer. All IU employees are directed to forward written requests for access to public records to the Open Records Officer, if they are inadvertently directed to them.

A requester must complete the Right-to-Know Request Form created by either the IU or the State Office of Open Records when submitting a written request. Copies of the IU's form may be obtained on the IU's official website. The written request must identify or describe the public record sought with sufficient specificity to allow the Open Records Officer to determine which record is being requested, and the name and address to which the IU should send its response.

The IU may, in its sole discretion, honor verbal requests for public records in cases where access can be allowed immediately. However, a verbal request shall not be considered an official request requiring an IU response under this policy.

Any requester may submit a written request to the Open Records Officer using one of the prescribed Right-to-Know Request Forms in the following manner:

In person: At the IU administrative office **at ARIN IU 28, 2895 W Pike, Indiana, PA 15701-9769** on any business day during the regular business hours.

By regular mail: Sent to the attention of the Open Records Officer at the IU administrative offices **at ARIN IU 28, 2895 W Pike, Indiana, PA 15701-9769**.

By facsimile: Sent to the attention of the Open Records Officer at the following facsimile number **724-463-5316 or 724-463-5315**. A written request sent via facsimile will not be considered submitted until a complete and legible copy of the facsimile is received by the Open Records Officer.

By email: Sent to the attention of Open Records Officer at **info@iu28.org**. An email will not be considered submitted until a complete accessible copy of that email is received by the Open Records Officer.

The IU reserves the right to deny a requester access to a public record if the requester has made repeated requests for the same record, the record has already been provided to the requester and the repeated requests have placed an unreasonable burden on the IU.

#### **V. IU Response to Written Request**

The Open Records Officer will respond to a written request within five (5) business days after its receipt. During that period, the Open Records Officer will make a good faith effort to locate the requested record, determine if it constitutes a public record, redact any confidential portions to allow for disclosure, and prepare an appropriate response.

The IU's response may take any of the following forms:

1. A decision that the requested record is a public record and allowing the requester to inspect and obtain a copy of the public record, in whole or in part. If the requested record is on the IU's official website the response should also explain how to access such information. Alternatively, the requested record may be provide with the response.
2. A written denial explaining why the requested document is not a public record thus resulting in the denial of the request, in whole or in part.
3. A written notice explaining the request is under review and a final determination can be expected within thirty (30) calendar days from the date of the notice.

A denial of a request shall be in writing and shall set forth the following information:

1. a description of the record requested;
2. the specific reason for the denial, including a citation of supporting legal authority;
3. the name, title, address, telephone number and signature of the Open Records Officer on whose authority the denial is issued;
4. the date of the response; and
5. an explanation of the procedure to appeal the denial.

A written notice explaining a request is under review shall set forth the reasons for the review and advise of the date when a final response can be expected, which date shall be within 30 calendar days from the date of the notice. The IU may advise that the request is under review if any of the following applies:

1. the requested record requires redaction;
2. the request requires the IU to retrieve records that are stored in a remote location;
3. the IU cannot timely respond due to bona fide and specified staffing limitations;
4. a legal review is necessary to determine if the record is a public record;
5. the request does not comply with the IU policies regarding access to records;
6. the requester has failed to pay applicable fees; or
7. the extent or nature of the request precludes a response within the required time period.

The Open Records Officer shall render a final determination regarding a written request within thirty (30) days from the date of written notice explaining a request is under review.

If the Open Records Officer does not provide the requester with a written response within the designated time periods, the written request may be deemed denied and the requester may file an appeal within fifteen (15) business days of the expiration of the designated time period, as provided by Section XI of this policy.

The Open Records Officer may consult with the IU's solicitor to address the IU's response to a Right-to-Know Act request.

## **VI. Redacting Records to Allow for Public Access**

If a requester seeks access to a record determined to contain both public and confidential information, the IU shall grant access to the public information contained in that record and redact the confidential information if it is possible to redact the confidential information. The IU, in its sole discretion, may provide public information contained in a redacted record in a format of its choice, which will allow for timely disclosure of public information while simultaneously protecting against the release of confidential information which is not required to be disclosed under the Act. If the confidential information is an integral part of the record and cannot be separated, the IU shall deny access to the record.

Personal identification numbers, financial information, home, cellular or personal telephone numbers, personal e-mail addresses, spouse and/or dependent information, and Social Security numbers of individuals are generally not subject to public disclosure, and therefore will normally be redacted from a record otherwise considered a public record.

The Open Records Officer shall consult the IU's administrative guidelines under this policy when deciding what information may be redacted from a public record.

If the IU redacts information from any record, the redaction will be treated as a partial denial of the record request, and the Open Records Officer will provide the requester with a written response regarding the partial denial, as provided in Section V of this policy.

## **VII. Denial of Public Access to Certain Records**

In certain instances, a record will be exempt from the public disclosure requirements of the Right-to-Know Act.

The Open Records Officer shall consult the IU's administrative guidelines under this policy when deciding whether or not a record constitutes a public record that must be available to the public.

If a record request is denied, the Open Records Officer will provide the requester with a written response regarding the denial, as provided in Section V of this policy.

### **VIII. Electronic Access to Public Records**

The IU shall make public records available through publicly accessible electronic means when they exist in that medium. When electronic access is sought for a public record, the IU will apprise a requester when a requested record is available through publicly accessible electronic means and advise where the public record may be reviewed and downloaded. If the public record is only maintained electronically and is not publicly available, the IU will make a paper copy available for inspection upon request subject to payment of the applicable fee.

The IU will permit electronic access to a public record if it is routinely available only by electronic means, or if the requester requests electronic access and the record exists in electronic form. A public record will not be considered “routinely available only by electronic means” if the IU maintains a readily available paper copy of that record for requester review.

If a requester makes a written request to access a public record in electronic form, and the public record exists in that medium, the IU will provide access to the record in one of the following manners as decided by the IU:

1. Provide a computer disk containing the record in electronic form;
2. Respond with an e-mail containing an attachment or electronic link to the record;  
or
3. Provide a paper copy of an electronically-stored public record, if confidential information must be redacted from that record to permit access to the public information.

### **IX. Inspection of Public Records**

After determining that the record requested is a public record, the IU will allow inspection and duplication. The IU will provide access in the medium requested if the record exists in that medium. The IU need not create documents, but will provide access to public records in the formats in which they exist. The IU shall not charge a fee if a requester only seeks to inspect a public record, except where conversion from electronic to paper form is required.

The inspection of a public record by a requester shall take place at the IU administrative offices during regular business hours; unless an alternative location is designated in advance by the IU.

Except for copies made and delivered to a requester pursuant to this policy, no public record shall be removed from the control or supervision of the IU. In order to preserve the integrity of its public records and IU facilities, the IU will take reasonable steps to ensure that a requester does not alter, deface or otherwise damage public records or IU facilities. Such reasonable steps may include, but are not limited to: the prohibition of eating and drinking when inspecting public records; employee monitoring of a requester

while inspecting public records; and the immediate termination of the inspection of public records if the IU reasonably believes the requester's conduct would result in damage to its public records or IU facilities.

A requester is required to comply with all IU rules and procedures applicable to the public when present at IU facilities. The IU may ask a requester to immediately leave its IU facilities if the requester engages in conduct which materially disrupts the operations of IU facilities, accesses or attempts access to unauthorized areas of the IU facilities or records, or threatens, harasses or intimidates IU staff or students.

#### **X. Duplication and Fees**

A public record will be duplicated for the requester, if duplication is requested.

Generally, a requester seeking to obtain a duplicate of a public record is required to appear in person to do so. In appropriate cases, the IU may decide, in its sole discretion, to mail or otherwise deliver duplicate copies of public records to a requester.

The fees set forth in this policy align with the current fee schedule set forth by the Pennsylvania State Office of Open Records.

#### **XI. Filing of Appeals**

If a requester wishes to challenge the written denial or deemed denial of a written request for a public record, the requester must file an appeal with the State Office of Open Records within fifteen (15) business days from the date of the written denial or deemed denial. The appeal shall be in writing and state the grounds upon which the requester asserts that the requested record is a public record and shall address any grounds stated by the IU for delaying or denying the request.

#### **XII. Posting of Policy**

A copy of this policy and its administrative regulations shall be conspicuously posted in the IU administrative offices in an area accessible to the public and on the IU's official website.