

## ***MUNICIPAL AUTHORITY OF THE CITY OF NEW KENSINGTON***

920 Barnes Street, P. O. Box 577  
New Kensington, Pennsylvania 15068  
Telephone: (724) 337-3577 Fax: (724) 337-8307

### **RIGHT TO KNOW LAW POLICY**

This policy sets forth the procedures for requesting access to, or copies of, public records from the MUNICIPAL AUTHORITY OF THE CITY OF NEW KENSINGTON ("Authority") under the provisions of the amended Right To Know Law ("RTKL"), the Act of June 21, 1957 (P.L. 390, No. 212), as amended by the Act of February 14, 2008 (P.L. No. 3. It shall apply only to requests made to the Authority's Open Records Officer ("Open Records Officer") for records under the control of the Authority.

This Policy shall take effect on January 1, 2009, and shall remain in effect until superseded, amended or withdrawn by the Authority. A copy of this Policy is available at the Authority office located at 920 Barnes Street, New Kensington, Pennsylvania. 15068, and on the Authority's website, [www.newkenwater.com](http://www.newkenwater.com).

### **ARTICLE 1: RTKL REQUESTS**

- 1.01 **The Authority's Open Records Officer and Address.** All request for access to the Authority's public records must be in writing, addressed to:

James A. Matta, Open Records Officer  
MUNICIPAL AUTHORITY OF THE CITY OF NEW KENSINGTON  
P. O. Box 577  
920 Barnes Street  
New Kensington, PA 15068  
Facsimile: (724) 337-8307  
E-mail: [www.newkenwater.com](http://www.newkenwater.com)

- 1.02 **Authority Regular Hours.** The regular business hours of the Authority are Monday through Friday, 8:00 a.m. through 5:00 p.m. The Authority office will be closed on all state holidays.

A RTKL request that is received by the Open Records Officer after the Authority's regular business hours shall be deemed to have been received by the Open Records Officer on the following business day. For example, a request received

via facsimile transmission after 5:00 p.m. on a Friday will be deemed to have been received by the Open Records Officer on the following Monday, unless the Authority's office is closed on that Monday, in which case the request will be deemed to have been received on the following Tuesday.

1.03 **Methods for the Delivery of Written Requests.** Written requests for access to public records must be sent or delivered to the Open Records Officer via one of the following methods:

- A. By the United States Postal Service, postage pre-paid;
- B. By hand delivery to the office of the Open Records Officer;
- C. By facsimile transmission to the facsimile number of the Open Records Officer; or
- D. By e-mail to the e-mail address of the Open Records Officer.

1.04 **RTKL Requests must be delivered only to the Open Records Officer.** The Open Records Officer is the only Authority employee with the authority and responsibility to accept and respond to RTKL requests. No Board member or other employee of the Authority is authorized to receive or respond to an RTKL request and any delay in proper delivery of a request to the Open Records Officer may result in a delay to a response to the request. In addition, delivery of an RTKL request to any person other than the Open Records Officer will not begin the official time period within which a response is required under the RTKL, the time period to begin only upon actual receipt of the request by the Open Records Officer.

1.05 **Content of Request.** A request for access to public records made to the Open Records Officer must:

- A. Be made in writing;
- B. Contain the Requester's full name;
- C. Contain the full address of the Requester's residence or place of business;
- D. Include the Requester's daytime telephone number in order that the Open Records Officer can contact the Requester to discuss his or her RTKL request or obtain clarification or other information related to the request;
- E. Be signed by the Requester;

- F. Identify the return address to which the Open Records Officer is to send his or her official response;
  - G. State that the request is made pursuant to the Pennsylvania Right to Know Law;
  - H. Identify or describe the record or records sought by the Requester in sufficient detail to enable the Open Records Officer to understand what record or records are being requested; and
  - I. Clearly label the request as a "**RIGHT TO KNOW LAW REQUEST.**"
- 1.06 The Requester may forward his or her request with all the above-requested information, either on his or her own form, on a form provided by the Authority, or on the form established by the Pennsylvania Office of Open Records.
- 1.07 **Oral or Anonymous Requests shall not be Accepted.** The Open Records Officer is not obligated to respond to:
- A. Oral RTKL requests;
  - B. RTKL requests submitted by any method other than those permitted by this Policy or by the Act;
  - C. Anonymous RTKL requests or any request which does not clearly set forth the information required by Section 1.05 above; and

An oral or anonymous RTKL request shall be denied by the Open Records Officer without other cause.

- 1.08 **Each RTKL Request must be submitted as a Separate Document.** Each RTKL request must be set forth in a separate, stand-alone document, preferably on an approved request form as described in Section 1.06 above. Requests for access to records shall not be included as part of other documents.
- 1.09 **Access to Public Records in General.** The following provisions apply generally to access to public records under the RTKL:
- A. *Right to access.* The RTKL provides all legal residents of the United States with the right to inspect and duplicate public records in the possession of the Authority, subject to the limitations and exceptions established in the RTKL, during the regular business hours of the Authority.

- B. Physical access generally. The Open Records Officer is the only individual employee of the Authority who has the authority to grant physical, in-person access to the public records of the Authority. The Open Records Officer may, in his or her discretion, impose reasonable restrictions relative to the time, place and nature of the physical in-person access to such public records. Nothing in the RTKL requires the Authority to permit access to any Authority computer.
- C. Access provided by mailing a copy of the records. Mailing, by the Authority, of a copy of a public record to the Requester at the address given by the Requester in his or her request shall constitute providing the Requester with physical access to the public record. However, if the Requester specifically requests access to the original record and such request is an allowable request under the RTKL, access to such record will be granted pursuant to the reasonable time, place and access restrictions established by the Open Records Officer.
- D. Records available on the Authority Website. Some of the Authority's public records will be made available through the Authority's official website: [www.newkenwater.com](http://www.newkenwater.com). Physical access to any such records as are requested shall be considered to have been provided for all records contained on the website. Where the Authority has already posted a requested record on its website, the Authority will be deemed to have complied with any request for access to such record and the Requester will be directed to access the record via the website.

## SECTION 2: RESPONSE OF AUTHORITY

- 2.01 **Receipt of a Written Request for Access.** Upon receipt of a written request for access to a record, the Authority Records Officer shall make a good faith effort to determine if the record requested is a public record; whether the Authority has possession, custody or control of it and he or she will respond to the request as promptly as possible in accordance with the RTKL under the circumstances existing at the time of the request.
- 2.02 **Response Time after Receipt of a Written Request.** The time for response to a written request shall not exceed five (5) business days from the date the written request is received by the Open Records Officer. Failure by the Authority to send a response within said five (5) business days shall be deemed a denial of the request, subject to such extensions of time as may be granted or allowed pursuant to provisions of the RTKL.

- 2.03 **Denial of Written Request.** If the Authority's response is a denial of a written request for access, whether in whole or in part, the denial shall be issued in writing and it shall include:
- A. A description of the record requested;
  - B. The specific reason or reasons for the denial, including a citation of supporting legal authority;
  - C. Typed or printed name, title, business address, business telephone number and signature of the Open Records Officer by whose authority the denial is issued;
  - D. Date of the response; and
  - E. The appeal procedure under the RTKL for a denial of access.
- 2.04 **Appeals of a Denial of a Written Request.** All appeals of the denial of a written request shall be as provided for in the RTKL and any regulations created with respect to it. A copy of the official appeal procedure shall accompany the Authority's response to a full or partial denial of access.

### SECTION 3: FEES

- 3.01 **Fees in General.** The cost of providing access to public records shall be borne by the Requester, and will be charged to the Requester by the Authority in accordance with this Policy.
- 3.02 **Standard fees.** The following fees shall be imposed upon a Requester:
- A. *Photocopies:*  
  
Per Page:           \$0.25
  
  - B. *All other Fees shall be established by the Fee Structure established by the Pennsylvania Office of Open Records, a copy of which is attached to this Policy marked Schedule "1".*

C. Prepayment.

- I. Prior to granting a request for access to public records in accordance with the RTKL, the Authority shall require a Requester to prepay the Authority's estimate of the fees authorized under this Section 3.

D. Forms of Payment.

- I. All costs to be paid by a Requester shall be paid in cash or by a Bank check or money order payable to "MUNICIPAL AUTHORITY OF THE CITY OF NEW KENSINGTON." No personal checks or credit cards will be accepted.

ADOPTED the 4th day of December, 2008, by the Board of the Municipal Authority of the City of New Kensington, Westmoreland County, Pennsylvania, at a duly called and held meeting on said date.

PA STATE AGENCIES

ONLINE SERVICES

--search PA--

Freedom of Information Act

Open Records

Open Records > Fees

About the Office

Contact Us

Right-To-Know-Law

FAQs

Forms

Fees

Guides

Final Determinations

Advisories

Downloads

Training Schedule

External Links

News

Log In



# pennsylvania

OFFICE OF OPEN RECORDS

## 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.

## Fee Structure

Record Type	Fee
<b>Copies:</b> <i>(A "photocopy" is either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5" x 11" page )</i>	Between .10 per page to a maximum .25 per page.
<b>Certification of a Record:</b>	\$1 per record, not per page. Please note that certification fees do not include notarization fees.
<b>Specialized documents :</b> For example, but not limited to, blue prints, color copies, non-standard sized documents	Actual Cost
<b>Facsimile/Microfiche/Other Media:</b>	Actual Cost
<b>Redaction Fee:</b>	No Redaction Fee May be Imposed
<b>Conversion to Paper:</b>	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)).
<b>Postage Fees:</b>	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

## SCHEDULE "1"

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.

Privacy Policy | Security Policy

Copyright © 2008 Commonwealth of Pennsylvania. All Rights Reserved