

RIGHT-TO-KNOW POLICY

Effective: January 1, 2023

General

The Commonwealth of Pennsylvania's Right-to-Know Law, 65 P.S. §§67.101-3014, provides citizens the right of access to public records. It also requires that every local agency establish a written policy for handling requests for access to public records. This Right-to-Know Policy ("this Policy") sets forth the procedures for requests for access to public records maintained by Philadelphia Works.

Requests for Public Records

A request may be made by any legal resident of the United States, including but not limited to individuals, agencies and business entities (hereinafter "the Requestor.") All requests for public records must be made in writing on the form prescribed by the Commonwealth of Pennsylvania at <https://www.dced.state.pa.us/public/oor/Form%20-%20Uniform%20Request.pdf>. The form may also be requested through Philadelphia Works by contacting John J. Daly at jdaly@philaworks.org. The form may be submitted in person, through email, U.S. mail or by facsimile. The request shall be addressed to:

John J. Daly
Compliance/EO Officer Philadelphia Works
1617 J.F.K. Boulevard, 13th Floor Philadelphia, Pa. 19103

Fees

The Requestor will be required to pay a fee for copying, postage and/or certification, if applicable, as set forth in **Exhibit A**.

If a separate statute authorizes Philadelphia Works to charge a set amount for a certain type of record, Philadelphia Work shall not charge more than that statutory amount.

If the Requester wishes to inspect rather than receive a copy of a record and the record contains both public and non-public information, Philadelphia Works shall redact the non-public information and may not charge the Requester for the redaction. However, Philadelphia Works 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 in **Exhibit A** will apply. If, after inspecting the records, the Requester chooses to obtain the copies, no additional fee will be charged.

Except as otherwise provided by law, **no other fees will be imposed** unless Philadelphia Works necessarily incurs costs for complying with the request, in which case the fees must be reasonable. No fee will be imposed for Philadelphia Works' review of a record to determine whether the record is accessible in accordance with this Policy. Philadelphia Works will not charge fees for searching for or retrieval of documents and will not charge staff time or salary for complying with a request under this Policy.

Prior to granting a request for access, Philadelphia Works will require the Requester to prepay an estimate of the fees outlined in **Exhibit A** if the fees required to fulfill the request are expected to exceed \$100. In addition, if the fees incurred exceeded \$100 but prepayment was not obtained, Philadelphia Works may require payment prior to production.

Response to Requests

Upon receipt of a request, Philadelphia Works will respond within five (5) business days. The failure of Philadelphia Works to respond within five (5) business days shall be deemed a denial of the request and may subsequently be appealed by the Requestor to the Pennsylvania Office of Open Records, as set forth below.

Philadelphia Works may extend the time required to respond if it is determined that:

- The request requires redaction;
- The request requires the retrieval of a record stored in a remote location;
- A bonafide and specific staffing limitation exists;
- Legal review is necessary to determine whether the record is subject to access;
- The Requestor failed to comply with this Policy;
- The Requestor failed or refused to pay the applicable fees; or
- The extent or nature of the request precludes a response within the required time period. Examples of such requests include, but are not limited to, requests that result in the production of voluminous documents, are complex and require extensive legal interpretation or research or involve collaboration from various governmental agencies or outside entities.

Upon determination that an extension is required, Philadelphia Works will send written notice to the Requestor within five (5) business days of receipt of the request. The notice will advise the Requestor that the request is being reviewed, the reason for the review, a reasonable date that a response is expected, and an estimate of applicable fees owed when the record becomes available. The request shall be deemed denied unless the Requestor has agreed in writing to an extension to the date specified in the notice.

Unless otherwise prohibited by law, Philadelphia Works will make a public record accessible for inspection and duplication in the format requested, if it exists. Otherwise, the public record will be provided in the format in which it exists. Public records will be available for access during Philadelphia Works' regular business hours.

If Philadelphia Works determines that a record contains both public and non-public information, Philadelphia Works will grant access and deny access accordingly. In some instances, Philadelphia Works will redact the portions of the record that are non-public and produce those portions that are public.

Denial of a Request

If Philadelphia Works denies a written request for access, it will issue a written response to the Requestor, which will include the following information:

- A description of the record requested;
- The specific reasons for the denial, including a citation of supporting legal authority;
- The typed or printed name, title, address, telephone number and signature of the Philadelphia Works' Open Records Officer, on whose authority the denial was issued;
- The date of the response; and
- The procedure to appeal the denial.

As permitted by law, Philadelphia Works may deny a request if the Requestor made repeated requests for that same record and the repeated requests have placed an unreasonable burden on Philadelphia Works. Such a denial would not preclude the Requestor from requesting a different record.

Filing of an Appeal

If a request for access to a record is denied or deemed denied, the Requestor may file an appeal with the Pennsylvania Office of Open Records within fifteen (15) business days of the mailing date of Philadelphia Works' response, or within fifteen (15) business days of the deemed denial. The appeal must state the grounds upon which the Requestor believes the record should be accessible and any grounds stated by Philadelphia Works for delaying or denying the request.

Unless the Requestor agrees otherwise, the designated appeals officer at the Pennsylvania Office of Open Records will make a final determination that will be mailed to the Requestor and Philadelphia Works within thirty (30) days of its receipt of the appeal. Prior to issuing a determination, a hearing may be conducted.

If the appeals officer fails to issue a determination within thirty (30) days, the appeal is deemed denied. In the event of a denial, the Requestor may file a petition for review with the Philadelphia County Court of Common Pleas within thirty (30) days of the mailing date of the final determination.

Exhibit A - Fee Structure

Record Type	Fee
Copies: (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)	\$ 0.25 per page.
Certification of a Record:	\$5 per record. Please note that certification fees do not include notarization fees.
Specialized documents: (For example, but not limited to, blueprints, color copies, non-standard sized documents)	Actual Cost
Facsimile/Audio/Video/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.
Postage Fees:	Fees for Postage May Not Exceed the Actual Cost of Mailing