

**CITY OF BETHLEHEM
10 East Church Street
Bethlehem, PA 18018**

POLICY FOR RIGHT-TO-KNOW LAW REQUESTS

Access to Public Records

The purpose of this policy is to assure compliance with the Pennsylvania Right-to-Know Law, 65 P.S. § 66.1 et seq., as amended, to provide access to public records of the City of Bethlehem, to preserve the integrity of City of Bethlehem records, and to minimize the financial impact to the residents of the City of Bethlehem regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

It is the policy of the City of Bethlehem to reserve its right to require the presence of a designated employee when the City, acting in its sole discretion deems it appropriate to do so, when public records are examined and inspected and to charge reasonable fees for duplication of public records of the City of Bethlehem. The City of Bethlehem designates each Department Director as responsible for assuring compliance with the Pennsylvania Right-to-Know Law within his/her Department, in accordance with the following guidelines:

1. The City of Bethlehem may designate certain employee(s) to process public record requests.
2. The City of Bethlehem is responsible for minimizing, where possible, the financial impact to the City of Bethlehem regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.
3. All requests for public records of the City of Bethlehem under this policy shall be specific in identifying and describing each public record requested. In no case shall the City of Bethlehem be required to create a public record which does not exist or to compile, maintain, format or organize a public record in a manner in which the City of Bethlehem does not currently compile, maintain, format or organize the public record. All requests for public records shall be submitted in writing and on a form provided by the City of Bethlehem, as attached hereto entitled "City of Bethlehem Public Record Review/Duplication Request."
4. The designated employee shall make a good faith effort to determine whether each record requested is a public record.

5. The City of Bethlehem shall facilitate a reasonable response to a request for City of Bethlehem records. In no case is the City of Bethlehem expected to provide extraordinary staff to respond to the request, but will respond in a manner consistent with City of Bethlehem administrative responsibilities and consistent with the requirements of the Pennsylvania Right-to-Know Law.

6. The designated employee shall respond to the requester within five (5) business days from the date of receipt of the written request. If the City of Bethlehem does not respond within five (5) business days of receipt thereof, the request is deemed denied.

7. The response provided by the City of Bethlehem shall consist of: (1) approval for access to the public record; (2) review of the request by the designated employee; or (3) denial of access to the record requested.

8. If access to the public record requested is approved, the public record shall be available for access during the regular business hours of the City of Bethlehem. The designated employee shall cooperate fully with the requester, while also taking reasonable measures to protect City of Bethlehem records from the possibility of theft and/or modification. The City of Bethlehem, acting in its sole discretion, will determine when presence of a designated employee is required when public records are examined and inspected.

9. Fees for duplication of public records shall be as follows:

- (a) Photocopying: 25 cents (\$0.25) per page.
- (b) Duplication of public electronic and/or tape records: actual cost to the City of Bethlehem of duplicating the public record.
- (c) Certified copies: \$1.00 per page.
- (d) Postage: actual cost to the City of Bethlehem of mailing the public record.

The City of Bethlehem may in its discretion waive fees.

10. In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed \$100.00, the designated employee(s) shall obtain fifty percent (50%) of the expected cost in advance of fulfilling the request to avoid unwarranted expense of City of Bethlehem resources.

11. If the request is being reviewed, the notice provided by the City of Bethlehem shall be in writing and include the reason for the review and the expected response date, which shall be within thirty (30) days of the notice of review. If the City of Bethlehem does not respond within thirty (30) days thereof, the request is deemed denied. Review of the request is limited to situations where:

The record requested contains information which is subject to access, as well as information which is not subject to access that must be redacted prior to a grant of access. The redacted information is considered a denial as to that information;

The record requires retrieval from a remote location;

A timely response cannot be accomplished due to staffing limitations;

A legal review is necessary to determine whether the record requested is a public record;

The requester has failed to comply with the City of Bethlehem's policy and procedure requirements; or

(f) The requester refuses to pay the applicable fees.

12. If access to the record requested is denied, the notice provided by the City of Bethlehem shall be in writing as indicated on the form attached hereto entitled "Denial of Request to Review and/or Duplicate City of Bethlehem Records."

13. If the request is denied or deemed denied, the requester may file exceptions with the City of Bethlehem within fifteen (15) business days of the mailing date of City of Bethlehem's notice of denial, or within fifteen (15) days of the deemed denial. The exceptions must:

Indicate the date of the original request;

Identify and describe the record(s) requested;

State the grounds upon which the requester asserts the record(s) is a public record; and

Address any grounds stated by the City of Bethlehem in its notice of denial.

14. The City of Bethlehem shall review the exceptions and may conduct a hearing to assist in making a final determination. A final determination will be made within thirty (30) days of the mailing date of the exceptions, unless extended by the parties. If the denial is upheld, the decision shall contain a written explanation of the reason for the denial and an explanation of the process for further appeal.

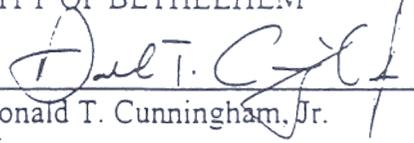
15. The City Law Bureau shall be available to each Department Director for advice and assistance concerning compliance issues with the Pennsylvania Right-to-Know Law.

16. This policy shall be posted conspicuously at the City of Bethlehem.

17. This policy shall take effect immediately.

Approved:

CITY OF BETHLEHEM



Donald T. Cunningham, Jr.
Mayor

Date: January 21, 2003