

URBAN REDEVELOPMENT AUTHORITY OF PITTSBURGH **RIGHT TO KNOW POLICY**

Introduction

On January 1, 2009, the new Pennsylvania Right to Know Law (“RTKL”) came into effect. The law requires that the Urban Redevelopment Authority of Pittsburgh (“URA”), as an agency of the Commonwealth of Pennsylvania, publish a policy which explains how members of the public can gain access to public information under the RTKL.

These questions and answers explain **who** can obtain information, **how** the request may be made, **how** the URA must respond, and **when** and how much the URA can charge for documents it provides.

MAKING YOUR REQUEST

Who can request information?

Any legal resident of the United States may make a Right to Know request. This includes media outlets. The requestor need not be a Pennsylvania resident.

Where should I direct my request?

The request should be made to the URA’s Open Records Officer (“ORO”). All URA employees have been directed to immediately forward any requests that they receive to the ORO. However, if you submit a Right to Know request to anyone other than the ORO, it may delay the fulfillment of your request.

Contact information for the URA’s current ORO:

Nathan Clark, Associate Counsel-Real Estate
Urban Redevelopment Authority of Pittsburgh
200 Ross Street, 10th Floor
Pittsburgh, PA 15219
Fax: 412.255-6645
nclark@ura.org

What form can a request take?

Requests may be made in four ways: 1) in person; 2) by mail; 3) by e-mail; or 4) by fax. In person requests must be made to the ORO during normal business hours of 8:15 a.m. to 5:00 p.m. (EST). If the ORO is not available during that time, the ORO will designate an

alternate who can accept your request. Verbal requests are permitted under the RTKL. However, if your request is denied by the URA, you will have no right of appeal unless the request was made in writing.

What information must I include in my request?

Your request must be addressed to the ORO and must identify the records you are requesting with sufficient specificity that the URA can identify them. Your request must include a name and address to which the URA can make a response.

Is there a form for filing requests?

Yes. You may download a copy of the form on the URA's website and may also be downloaded [here](#). Please note that this is the same form used by the State Open Records Office, and it is also available on their website.

Can I make a verbal request?

You can make a verbal request. However, as mentioned above, if you wish to appeal the denial of a request, you must document your initial request in writing to the URA.

PROCEDURE AFTER A REQUEST IS MADE

Can the URA ask WHY you want or need the information?

No. The URA is prohibited from asking you why you are requesting a record.

Can the URA ask questions about the TYPE of information you want?

Yes. The RTKL requires the requestor to identify the records he/she is requesting with sufficient specificity that the URA can identify them. If the request is extremely vague, it can be denied on this basis. However, the ORO may need to obtain more information about what you want in order to identify the appropriate records. The URA will never ask you why you are requesting a particular record.

I submitted a request to the ORO. When will the URA respond?

The URA must respond to your request within five business days of its receipt by the ORO. Within five business days, the ORO will issue a letter which does one (or a combination) of the following:

- Denies the request, citing the specific reasons for denial;
- Grants the request and provides the records; or
- States the reasons why the request cannot be fulfilled within the five business day period and provides a target date for a final response.

Under what circumstances can the URA take additional time to consider a Right to Know request?

There are specific circumstances under which the URA can take extra time on a Right to Know request. They are:

- The record requested is in storage and must be retrieved;
- The record requested needs to be redacted prior to its release;
- The ORO has requested that the Law Department review the request to determine if the requested record is in fact a public record;
- The requestor has refused to pay the applicable fees;
- The size of the request and the URA's staffing limitations make meeting the five business days deadline impossible;
- The requestor has failed to comply with the URA's policies regarding access to public records; or
- The extent or nature of the request precludes a response with the required time period.

The URA has requested extra time to consider my request. How long can it take?

If the public records you have requested cannot be produced within five business days of your request, the ORO will send you a "five-day" letter which will specify a reason for the delay, and will include a target date for the release of the records. If the target date is more than 30 days from the initial five-day business period, the URA will need your written consent to the extension in order to take more than 30 extra days. If you do not so consent, and the URA fails to provide the records within the 30 additional days, then your request will be deemed denied on the 31st day.

What kinds of records must be provided?

The new RTKL expands the types of information that the URA is required to provide. Generally, documents which are related to URA business and which are not subject to a privilege or to one of the exceptions enumerated in the RTKL are subject to disclosure.

Examples of Public Records

- Grant applications
- Contracts
- Name, title, salary of public employees or officials

Examples of Non-Public Records

- Records which would compromise the security of a building
- Records which would compromise the security of a computer network
- Personal information such as social security number, driver's license number, cellular or personal phone numbers, and personal financial information
- Drafts of documents
- Records of internal, pre-decision deliberations
- Records law enforcement investigations

What if the record I am requesting contains both public and non-public information?

The URA may not deny a request based on the presence of a limited amount of non-public information in the record. Instead, the URA will redact the non-public portions before supplying the record.

What if the records requested are not URA records?

If the ORO receives a request for records that are not URA records, the ORO will attempt to forward the request to the appropriate person at the appropriate entity, and will so notify you. To ensure that your request is timely received and documented, we do suggest that you make an independent request to that entity as well.

How will I receive the information that I request?

If the information being requested is a public record subject to disclosure under the RTKL, the URA must provide access to the records in the form in which they are requested if they are available in that form. If the requested record is not available in the form requested then the URA will provide it to the requestor in its available form.

Will the URA make copies?

The URA does not have to make copies unless the requestor asks for copies and has agreed to pay for these copies. The URA is not obligated to release the documents until the copying charges have been paid in full.

Can the URA charge for making copies?

Yes. The URA can charge for making copies and for postage. A uniform fee schedule for local agencies has been promulgated by the Commonwealth's Office of Open Records. A copy of the current schedule is available on the URA's website, and may also be

downloaded [here](#). If the rates established by the Office of Open Records should ever change, the new State rates will prevail over those set forth in the URA policy.

If the copying fees are estimated to be over \$100, then the URA may require prepayment of copying charges before undertaking to copy the records. Any charges should be paid by check or money order payable to “Urban Redevelopment Authority of Pittsburgh.”

Will the URA notify a third party of my request?

The URA is required to notify a third party of a request for a record if, when the third party provided the record, it was accompanied by a written statement signed by a representative of the third party indicating that the record contained a trade secret or confidential proprietary information. In such a case, the URA will notify the third party within five business days of receipt of the request for the record and the third party will have an opportunity to provide input on the release of the record.

It is, however, the practice of the URA in any case to inform a third party of a RTKL request regarding such third party.

APPEALING THE DENIAL OF A REQUEST

The URA has denied my request. Can I appeal?

Yes. In cases where a written request to access records has been denied, the requestor may appeal the denial to the Pennsylvania Office of Open Records.

More than five business days have passed since I made my request, and the URA has failed to respond. Can I appeal?

Yes. In cases where the URA fails to respond to a request within five business days, the request will be deemed denied. The requestor may appeal the deemed denial to the Pennsylvania Office of Open Records. For an individual to seek redress to a deemed denial of a Right to Know request, the original request must have been made in writing.

How do I appeal a denial or deemed denial?

If you wish to appeal a denial by the URA, you must lodge an appeal with the Pennsylvania Office of Open Records:

Commonwealth of Pennsylvania
Office of Open Records
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225
(717) 346-9903
openrecords@state.pa.us

The appeal must be made within 15 days of the denial or deemed denial and must state the grounds on which the requestor asserts that the requested record is a public record subject to release under the RTKL and shall specifically address the grounds given by the URA for delaying or denying the request.

What will happen after I lodge an appeal?

The Office of Open Records will assign an appeals officer who will be responsible for your appeal. The appeals officer will make a final determination which will be mailed to you and to the URA within 30 days of your appeal.

If the Office of Open Records appeals officer denies your appeal, you may appeal that determination to the Allegheny County Court of Common Pleas.