



Public Parking Authority of Pittsburgh Right-To-Know Law Request Policy

This policy will set forth the procedures for requesting access to, or copies of, public records from the Public Parking Authority of Pittsburgh (the "PPA") under the provisions of the Pennsylvania Right-To-Know-Law (the "RTKL"). This policy is issued pursuant to Section 504 of the RTKL.

This policy shall take effect on January 1, 2009, and shall remain in effect until amended, superseded or withdrawn by the PPA. A copy of this policy is available at the PPA offices located at 232 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219 and on the PPA website: www.pittsburghparking.com.

This policy shall apply only to written requests made to the PPA's Open Records Officer for PPA records.

SECTION 1: RTKL REQUESTS

- 1.1 **PPA Open Records Officer and Address:** All requests for access to the PPA's public records must be in writing and addressed to:

Open Records Officer
Public Parking Authority of Pittsburgh
232 Boulevard of the Allies
Pittsburgh, Pa. 15219

Facsimile: (412) 560-7200
E-mail: www.pittsburghparking.com

- 1.2 **PPA's Office Hours.** The regular business hours of the PPA are Monday through Friday, 8:00 a.m. through 5:00 p.m.

A RTKL request that is received by the Open Records Officer after the close of regular business hours shall be deemed to have been received by the Open Records Officer on the following business day. For example, a requested received via facsimile transmission at 5:30 p.m. on a Friday will be deemed to have been received by the PPA Open Records Officer on the following Monday, unless the PPA is closed on the following Monday, in which case the request will be deemed to have been received on the following Tuesday.

1.3 **Methods for Delivering Written Requests.** Written requests for access to public records must be sent or delivered to the PPA's Open Records Officer via one of the following methods:

- A. by United States Mail, postage pre-paid;
- B. by hand-delivery to the office of the PPA's Open Records Officer;
- C. by facsimile at the facsimile number for the PPA's Open Records Officer; or
- D. by e-mail www.pittsburghparking.com

Any written requests forwarded to other PPA personnel may result in a delayed response to your request for access to public records.

1.4 **RTKL Requests Must Be Delivered to the PPA's Open Records Officer.** The PPA Open Records Officer is the Executive Director, and is the only PPA employee with the authority responsible to receive RTKL requests. No other official is authorized to receive such requests and any delay in delivery to the PPA's Open Records Officer may result in a delay to a response to your request. Delivery of an RTKL request to any person other than the PPA's Open Records Officer does not initiate the official time period in which a response is warranted under the RTKL. Such time period will begin upon receipt of the request by the PPA's Open Records Officer.

1.5 **Content of Request.** A request for access to public records made to the PPA's Open Records Officer must:

- A. be made in writing;
- B. identify the requestor by his or her full name;
- C. contain the full address of the requestor's residence or place of business;
- D. be signed by the requestor;
- E. identify the return address to which the PPA's Open Records Officer should send the PPA's official response;
- F. clearly state that the request is made pursuant to the Pennsylvania Right to Know Law;
- G. clearly identify or describe the record or records sought by the requestor with sufficient specificity to enable the PPA's Open Records Officer to identify the

record or records being requested; and

- H. clearly and explicitly label the document or subject as a “RIGHT TO KNOW LAW REQUEST.”

The requestor may forward their request with all of the above-referenced information on their own form or on the form established by the Pennsylvania Office of Open Records, which is available online at <http://openrecords.state.pa.us/> or PPA website at www.pittsburghparking.com.

In no instance shall the PPA be required to create a public record which does not exist nor shall the PPA be required to compile, maintain, format or organize a public record in such a manner in which the PPA does not customarily compile, maintain, format or organize the public record.

- 1.6 **Additional Request Information.** The PPA asks that a RTKL request also include the requestor’s daytime telephone number in the event the PPA’s Open Records Officer needs to contact the requestor to discuss his or her RTKL request or to obtain clarification or additional information related to the request.

- 1.7 **Oral, Verbal or Anonymous Requests may not be Accepted.** The PPA’s Open Records Officer shall not be obligated to respond to:

- A. oral RTKL requests;
- B. RTKL requests that are submitted by any method other than those permitted by this policy or by statute; or
- C. anonymous RTKL request, or any requests which does not otherwise clearly identify the information set forth in Section 1.5 above.

Any oral or anonymous RTKL request may be denied without cause. The PPA may, at its sole discretion, receive and respond to informal requests for easily accessible documents.

- 1.8 **RTKL Requests Must Be in a Separate Document.** A RTKL request must be set forth in a separate, stand-alone document, preferably on one of the approved request forms available through the Pennsylvania Office of Open Records. Demands or requests for access to records that are included in other documents may go unnoticed and are ill-advised.

- 1.9 **Access to Documents in General.** The following provision apply generally to the 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 PPA,

subject to the limitations and exceptions as established in the RTKL, during the regular business hours of the PPA.

- B. *Physical access generally.* The PPA's Open Records Officer is the only individual in the PPA who has the authority to grant physical, in-person access to the public records in the possession of the PPA. The PPA's Open Records Officer may, in his or her discretion, impose reasonable restrictions as to the time, place and nature of the physical access to these public records. Nothing in the RTKL necessitates any local agency, including the PPA, to require access to PPA computer, either of the PPA itself or an individual employee of the PPA.

Furthermore, nothing in this policy or under the RTKL shall prohibit the PPA from requiring the presence of a designated PPA employee when original public records are examined and inspected in person. Any requestor who does not allow the presence of such designated PPA employee shall be considered to have waived their right of access to such original public records.

- C. *Access provided by mailing a copy of the record(s).* The PPA's act of mailing a copy of a public record to the requestor at the address given by the requestor in his or her request shall constitute providing the requestor with physical access to the public record. However, if the requestor 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 PPA Open Records Officer.
- D. *Records available via PPA website.* Some of the PPA's public records will be made available through the PPA's official website: www.pittsburghparking.com. Physical access to such records is considered to have been provided for all records contained on the PPA website. Where the PPA has already posted a requested record on the PPA website, the PPA will be deemed to have complied with any request for access to such record and the requestor will be directed to access the record via the website.

SECTION 2: THE PPA RESPONSE

- 2.1 **Receipt of a Written Request for Access.** Upon receipt of a written request for access to a record, the PPA shall make a good faith effort to determine if the record requested is a public record and whether the PPA has possession, custody or control of the identified record, and to respond as promptly as possible under the circumstances existing at the time of the request.
- 2.2 **Response Time after Receipt of Written Request.** The time for response shall not exceed five (5) business days from the date the written request is received by the PPA's Open Records Officer. Failure by the PPA to send a response within five (5) business days of receipt of the written request for access shall be deemed a denial of the request. If the PPA's Open Records officer determines that the request requires further review,

the Open Records Officer shall provide written notice to the requestor within five (5) business days indicating the reason for the review, a reasonable date a response is expected and an estimate of all applicable fees owed. Review of the request may occur in situations where:

- A. the request for access requires redaction of a record;
- B. the request for access requires the retrieval of a record stored in a remote location;
- C. a timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations;
- D. a legal review is necessary to determine whether the record is a record subject to access under the RTKL;
- E. the requester has not complied with the agency's policies regarding access to records;
- F. requester refuses to pay applicable fees authorized by the RTKL; or
- G. the extent or nature of the request precludes a response within the required time period.

If the date that a response is expected to be provided is in excess of thirty (30) days from the date of its original receipt, the request for access shall be deemed denied unless the requestor has agreed in writing to an additional extension of time.

2.3 Denial of Written Request. If the PPA's response is a denial of a written request for access, whether in whole or in part, the denial will be issued in writing and will include:

- A. a description of the record requested;
- B. the specific reasons for the denial, including a citation of supporting legal authority;
- C. the typed or printed name, title, business address, business telephone number and signature of the Open Records Officer on whose authority the denial is issued;
- D. the date of the response; and
- E. the appeal procedure for denials of access under the RTKL.

2.4 Appeals of Denial of a Written Request. The official appeal procedure shall accompany the PPA's response for all full or partial denials of access as set forth above.

All appeals of the denial of a written request shall be submitted to the Office of Open Records in accordance with the RTKL and any regulations created with respect thereto.

Contact information for the Office of Open Records is as follows:

Mailing Address: Commonwealth of Pennsylvania
Office of Open Records
Commonwealth Keystone Building
400 N. Street, 4th Floor
Harrisburg, Pennsylvania 17120-0225

Phone: 717-346-9903

Fax: 717-425-5343

E-mail: openrecords@state.pa.us

- 2.5 **Delegation.** The PPA's Open Records Officer may delegate matters regarding responding to a RTKL request to a member of the PPA staff, or to the PPA's legal counsel.

SECTION 3: FEES

- 3.1 **Fees in General.** The cost of providing access to public records is to be borne by the requestor, and will be charged to the requestor by the PPA in accordance with the RTKL.
- 3.2 **Standard fees.** The following fees may be imposed upon the requestor as established by the Pennsylvania Office of Open Records as follows:
- A. *Photocopies:* (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.
 - B. *Certification of a Record:*
 - \$1.00 per record, not per page. Please note that certification fees do not include notarization fees.
 - C. *Specialized Documents:* (For example, but not limited to, blueprints, color copies, non-standard sized documents)
 - Actual Cost.
 - D. *Facsimile/Microfiche/Other Media:*

- Actual Cost.

E. *Postage:*

- Fees for postage shall not exceed the actual cost of mailing.

F. *Conversion to paper or other media:*

- 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 that the record be duplicated in the more expensive medium.

G. *Prepayment:*

- Prior to granting a request for access in accordance with the RTKL, the PPA 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 One Hundred Dollars (\$100.00).

H. *Form of Payment:*

- All costs to be paid by a requester shall be paid by either cash, business check, certified check or money order made payable to Public Parking Authority of Pittsburgh.