

## **Right To Know Policy**

On January 1, 2009, a new Right to Know Law (the "RTKL") took effect in the Commonwealth of Pennsylvania. Under this statute, public records of the City of Pittsburgh are generally available to citizens who request them.

The following outlines the basic provisions of the RTKL and the procedures for making a request for records:

### **PUBLIC RECORDS**

**The Right to Know Law defines a public record as information, regardless of physical form, which documents a transaction or activity of the City, and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the City. A record is NOT a public record if:**

- it is exempt from disclosure under Section 708(b) of the RTKL; or
- it is exempt from disclosure under any other Federal or State law, or regulation or judicial order or decree; or
- it is protected by a privilege.

Generally, public records are to be open for inspection or duplication in accordance with the RTKL. Records are to be provided in the medium requested if they exist in that medium. Otherwise, they are to be provided in the medium in which they exist. The RTKL does not require the City to give computer access to any requester.

When responding to a request, the City is not required to create a record that does not presently exist. Nor is the City required to compile, maintain, format, or organize a record in a manner in which the City does not currently maintain, format, or organize the record.

### **Making a Request**

The City has chosen to use the Standard Request Form promulgated by the Pennsylvania Open Records Office. This form may be downloaded from the website of the Pennsylvania Office of Open Records. A hard-copy form may also be obtained from the City's ORO at the address below.

All Right to Know requests for information ("requests") must be submitted to the Open Records Officer ("ORO") of the City of Pittsburgh:

Celia Behrend Liss  
Open Records Officer  
313 City-County Building  
414 Grant Street  
Pittsburgh, PA 15219 P: 412-255-2015  
F: 412-255-2285  
[openrecords@pittsburghpa.gov](mailto:openrecords@pittsburghpa.gov)

The City reserves the right to deny access to records if the form set forth above is absent from the request. In completing the form above, only physical addresses are acceptable, not Post Office boxes. The City reserves the right to deny access to records if a requester's physical address is omitted.

There are four ways to request a public record from the City: 1) In person; 2) By mail; 3) By e-mail; and 4) By fax. Requests may be verbal or written. However, if a verbal request is denied by the City, there is no right of appeal.

The Right to Know Law does not require the City to accept requests made by telephone, and the City will refuse to accept requests made by telephone. The Right to Know Law also does not require the City to accept anonymous requests, and the City will refuse to accept anonymous requests. For the purpose of this section, an e-mail request which does not contain a proper name or street address will be treated as an anonymous request.

In order to meet the requirements of the Right to Know Law, the request must:

- Identify the records requested with sufficient specificity to enable the City to ascertain which records are being requested; and
- Include the name of the requester; and
- Include the address to which the City should direct its response.
- The request need not state the reason that the records are being requested.

The City has chosen to use the Standard Request Form promulgated by the Pennsylvania Open Records Office. This form may be downloaded from the City website here, or from the website of the Pennsylvania Office of Open Records. A hard-copy form may also be obtained from the City's ORO at the address above.

The City may deny "disruptive requests," which occur when a requester repeatedly requests the same record. However, the requester is not precluded from requesting a different record.

## **City Response**

Although individual City departments shall be required to expeditiously forward requests inadvertently sent to them instead of directly to the ORO, the time period for the City's response will begin to run as of the documented receipt of the request by the ORO. Requests received after 4:30 p.m. shall be deemed to be received on the next business day.

Upon receipt of a request by the Open Records Officer, the City will make a good faith effort to determine whether the record requested is a public record, and whether the City has custody of the record. The City will respond as rapidly as possible under the circumstances existing at the time of the request. However, the City will respond within five business days of the initial request. A "business day" shall be any weekday (Monday through Friday) except for official holiday closings or closings due to weather or natural disasters or due to the request of authorized public safety officials. Failure to respond within five business days will constitute a deemed denial of the request.

The RTKL does not require that the requester receive the City's response on the fifth business day. The City meets its obligations by mailing the response on the fifth business day.

The City will respond to each request in one of three ways:

- The City will grant the request in its entirety; or
- The City will deny the request; or
- The City will partially grant and partially deny the request.

There are circumstances set forth in the RTKL under which the City can take additional time to process a right to know request. The City is required to notify the requester in the "five day" letter which of these circumstances apply:

- The record must be redacted;
- The record must be retrieved from a remote location;
- A timely response is not possible due to bona fide and specified staffing limitations;
- A legal review is necessary to determine whether the record is a public record;
- The requester has not complied with the City's policies regarding access to records;
- The requester refuses to pay applicable fees;
- The extent or nature of the request precludes a response within the required time period.

If the City requires additional time to process a right to know request, it must nevertheless make its initial response within the five business day period. The letter will indicate which of the reasons justify the additional time, and will project a target date by which the records will be made available. The City cannot take more than thirty additional days without the written consent of the Requester. If such permission is not granted and the City takes more than thirty days from the expiration of the five business day period, the request will be deemed denied on the thirty-first day.

If the City denies a request for information (in whole or in part), it will issue a denial letter which will include:

- A description of the record being requested;
- The specific reasons for the denial, including a citation of supporting legal authority;
- The name, contact information, and signature of the Open Records Officer;
- The date of the request; and
- The procedure to appeal the denial of the request.

## **Fees**

The City may charge reasonable fees for copying as well as its actual costs for postage in fulfilling a Right to Know request. These fees are posted on the Pennsylvania Office of Open Records website.

If copying fees do not exceed five dollars, the copies and postage will be provided free of charge as a courtesy of the City of Pittsburgh.

If copying fees exceed five dollars, the fees and postage must be pre-paid before the records will be provided. The fee can be paid by check or money order payable to:

Treasurer, City of Pittsburgh  
c/o Open Records Office  
313 City County Building  
414 Grant Street  
Pittsburgh, PA 15219

If the fees associated with a right to know request are anticipated to be greater than \$100.00, a deposit must be paid in advance before the City is obligated to compile the records. The City is not obligated to forward records if there is a balance due for copy costs in a previous request.

## **Appeals**

If a request for information is denied or deemed denied by the City, the requester may appeal the decision to the Pennsylvania Office of Open Records:

Executive Director  
Office of Open Records  
Commonwealth Keystone Building  
400 North Street, 4th Floor  
Harrisburg, PA 17120

The appeal must be made within fifteen business days of the City's denial or deemed denial, and must set forth the grounds on which the requester believes that the record is a public record, and the grounds for the denial by the City.

The Pennsylvania Office of Open Records will assign an appeals officer to the case, and the appeals officer will issue a decision within thirty days of the receipt of the appeal. The decision of the appeals officer may be appealed to the Allegheny County Court of Common Pleas.

## **Policies**

The City of Pittsburgh retains the discretion and authority to adopt any other written policies that are consistent with the Right to Know Law. Amendments to this policy will take effect upon publication on the City's website.