

ERIE PARKING AUTHORITY

OPEN RECORDS POLICY

Effective January 1, 2009

This policy is adopted by the Erie Parking Authority (Authority) pursuant to the Pennsylvania Right-To-Know Law, Act of February 14, 2008, P.L. _____, 65 P.S. Section 67.101, et seq. (Act No. 2008-3) (the Act). Section 504 of the Act permits an "agency," such as Authority, to promulgate regulations and policies necessary for the agency to implement the provisions of the Act. This policy is adopted pursuant to this permission. Both the Act and this policy go into effect on January 1, 2009,

1. Open Records Officer. Authority designates Raymond Massing, Executive Director, to act as Open Records Officer (Officer) pursuant to Section 502 of the Act.

2. Requests. Requests under the Act for records shall be handled as follows:

- Any Authority employee who receives a request for records under the Act shall immediately (no later than within the same working day) deliver such request to the Officer designed in paragraph 1 above.
- Requests shall be made using the form developed by the Office of Open Records as provided for in Section 505(a) of the Act. Such request may be submitted in person, by mail, by e-mail or by fax. Authority may, but need not, consider requests made in any other manner.
- The Officer receiving the request shall note the date of receipt on the written request, compute the day on which the five-day period under Section 901 of the Act will expire and make a notation of that date on the written request. The Officer shall also maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been fulfilled. If the request is denied, the written request shall be maintained for 30 days or, if an appeal is filed, until a final determination is issued under Section 1101(b) of the Act or the appeal is deemed denied. The Officer shall maintain a file concerning each request received for a period of one year or until all appeals concerning the request have been resolved, whichever is later.
- The Officer shall respond to the request within 5 business days of its receipt by him or her, all as required by Section 901 of the Act. During that time the Officer shall make a good faith effort to determine if access to the requested records must be provided under the Act. Within the five day period the Officer shall either (1) grant the request and permit access to the requested documents, (2) deny the request in the manner provided for in Section 903 of the Act including the procedure to appeal the denial, or (3) notify the requester in writing that additional time up to 30 days is required to respond to the request if any of the circumstances provided for in Section 902(a) of the Act apply.
- The following information shall be posted in a place conspicuous to the public facility and at the office of the Authority, 25 East Tenth Street, 2nd Floor, Erie, Pennsylvania 16501:

- the name and contact information for the Officer identified in paragraph 1 above;
- contact information for the Pennsylvania Office of Open Records;
- the form which may be used to file a request; and
- this Open Records Policy.

3. Fees. The following fees will be charged by Authority for providing records pursuant to the Act and this Policy:

- Postage-the actual cost of mailing.
- Fees for duplication by photocopying, printing from electronic media or microfilm, copying onto electronic media, transmission by facsimile or other electronic means and other means of duplication shall be within the range of \$.10 to \$.25 as established from time to time by the Administration of Authority. 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 inch page.
- Complex and extensive data sheets-as provided for in Section 1307(b)(4) of the Act.
- Certification-if certification of a record is requested Authority will charge \$1.00 per record for this service.
- Enhanced electronic access-from time to time the Administration of Authority shall establish reasonable fees for this pursuant to Section 1307(e) of the Act.
- Prior to granting a request under the Act, Authority may require a requester to prepay an estimate of fees if the fees required to fulfill the request are expected to exceed \$100.

4. Creation of Record. When responding to a request for access, Authority shall not be required to create a record which does not then exist or to compile, maintain, format or organize a record in a manner in which Authority does not then currently compile, maintain, format or organize the record.

5. Redaction. Redaction of records shall be permitted if the circumstances described in Section 706 of the Act arise.

6. Access. A record being provided to a requester shall be provided in the medium requested if it exists in that medium; otherwise it shall be provided in the medium in which it exists. In addition, Authority may respond to a request by notifying requester that the record is available through publicly accessible electronic means or that Authority will provide access to

inspect the record electronically. If the requester is unable or unwilling to access the record electronically, the requester may, within 30 days following receipt of the Authority's notification, submit a written request to Authority to have the record converted to paper. Authority shall then provide access to the record in printed form within 5 days of receipt of the written request for conversion to paper.

7. Audit. The Officer shall be required to periodically (not less than once per year) audit the performance of the Authority in complying with the requirements of this policy.

8. Effective Date. This policy is effective January 1, 2009.

9. Erie Parking Authority Open Records Officer:

Raymond Massing, Executive Director
24 East Tenth Street (2nd Floor)
Erie, PA 16501
Phone: (814) 456-7588, Ext. 3
Fax: (814) 455-7603
E-Mail: RayMassing@ERIEPARK.ORG

10. Contact Information for the Pennsylvania Office of Open Records:

Commonwealth of Pennsylvania
Office of Open Records
400 North Street, Plaza Level
Harrisburg, PA 17120-0225
Phone: (717) 346-9903
E-Mail: openrecords@state.pa.us
Website: <http://openrecords.state.pa.us>