May 18, 2016

WEST VIEW WATER AUTHORITY
RIGHT-TO-KNOW POLICY FOR PUBLIC RECORDS

I. Introduction

The West View Water Authority is a body corporate and politic, duly organized in October 1942 by the Board of The Municipal Authority of the Borough of West View, Pennsylvania, under the former Municipality Authorities Act of 1945, repealed by Act 2001, June 19, P.L. 287, No. 22, § 3, now known as the "Municipality Authorities Act," Act 2001, June 19, P.L. 287, No. 22, § 4, 53 Pa. C.S.A. § 5601 et seq. As such, the Authority is a local agency for purposes of the new Right-to-Know Law.

All local agencies shall provide public records in accordance with the Right-to-Know Law. Therefore, any record in the possession of the Authority shall be presumed to be a public record, except in the following circumstances:

(a) The record is exempt under the Right-to-Know Law;

(b) The record is protected by the attorney-work product doctrine, the attorney-client privilege, or other privilege recognized by a court interpreting the laws of the Commonwealth of Pennsylvania; or

(c) The record is exempt from disclosure under any other federal or state law or regulation, or judicial order or decree.

Records are broadly defined under the Right-to-Know Law. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically, and a data-processed or image-processed document.

Requests for public records can be made by any person or who is a legal resident of the United States, including resident aliens. Requests to the Authority can also be made by other local agencies, Commonwealth agencies (e.g., The Department of the Auditor General or the Treasury Department), judicial agencies (i.e., the courts), or legislative agencies (e.g., the Senate and House of Representatives).

II. Access and Procedure

Requesters may take oral requests for access to records. However, if the requester wishes to pursue the relief and remedies provided for in the Right-to-Know Law, the request for access to records must be a written request.

The Authority has designated Robert J. Christian to act as the Open-Records Officer ("Officer"). The Officer's contact information is set forth below:

Robert J. Christian/Executive Director
West View Water Authority
210 Perry Highway, Pittsburgh, PA. 15229
(412) 931-3292

Questions regarding this policy may be directed to the Officer at the above telephone number or by writing to the above.

All written requests must be addressed to the Officer, and all such requests must be submitted in person or by mail. In the event that a written request for records is addressed to an Authority employee other that the Officer, the Authority employee is hereby directed to promptly forward such requests to the Officer.

Written requests should identify or describe the record sought with sufficient specificity to enable the Authority to ascertain which records are being requested. Unless otherwise required by law, a written request need not include any explanation of the requester's reason for requesting the records of the intended use of such records.

Prior to granting a request for access in accordance with the Right-to-Know Law, the Authority may require a requester to prepay an estimate of the fees authorized by law if the fees required to fulfill the request are expected to exceed $100.00. The fees must be reasonable and based on prevailing fees for comparable duplication services provided by local business entities. Except as otherwise provided by statute, no other fees may be imposed unless the agency necessarily incurs costs for complying with the request, and such fees must be reasonable.

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 other words, the Authority shall not be required to create a record which does not currently exist or to otherwise compile, maintain, format or organize a record in a manner in which it does not currently compile, maintain, format or organize such record.**

Upon receipt of a written request for a public record, the officer shall do the following:

(a) Note the date of the receipt on the written request;

(b) Compute the day on which the five-day period (see discussion of response, below) will expire, and make a notation of the date on the written request; and

(c) Create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.

III. Authority's Response

Upon receipt of a written request for access to a record, the Authority shall make a good faith effort to determine if the record requested is a public record and whether the Authority has possession, custody or control of the identified record. When doing so, the Authority will respond as promptly as possible under the circumstances existing at the time of the request. **Under the Right-to-Know Law, the Authority must send a response within five (5) business days of receipt of the written request for access, or else the written request shall be deemed denied.** For purposes of this policy, a business day is any Monday, Tuesday, Wednesday, Thursday or Friday, except those days when the Authority's office is closed for all or part of a day due to a state holiday.

Upon receipt of a written request for access, the Officer shall determine if one of the following applies:

(a) The request for access requires redaction of a record in accordance with the Right-to-Know Law;

(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 Right-to-Know Law;

(e) The requester has not complied with the Authority's policies regarding access to records;

(f) The requester refuses to pay applicable fees authorized by the Right-to-Know Law; or

(g) The extent or nature of the request precludes a response within the required time period of five (5) business days.

Upon a determination that one of the factors listed above applies, the Officer shall send written notice to the requestor within five (5) business days of receipt of the request for access. The notice shall include a statement notifying the requester that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided, and an estimate of applicable fees owed when the record becomes available. Information which the Authority redacts in accordance with the Right-to-Know Law shall be deemed a denial.

If the date that a response is expected to be provided is in excess of thirty (30) days, following the five (5) business days allowed for above, the request for access shall be deemed denied unless the requester has agreed in writing to an extension to the date specified in the notice. If the requester agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice if the Authority has not provided a response by that date.

For purposes of this policy, the "mailing date" shall be the date affixed to a: (1) response from the Officer to a request, which is to be the date the response is deposited in the U.S. Mail: (2) final determination from the Officer, which is to be the date the final determination is deposited in the U.S. Mail.

IV. Appeal of Authority's Determination

If a written request for access to a record is denied or deemed denies, the requester may file an appeal with the Office of Open Records within fifteen (15) business days of the mailing date of the Authority's response or within (15) business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts that the record is a public record, and shall address any grounds stated by the Authority for delaying or denying the request.

The Office of Open Records has established an internet website with information relating to the Right-to-Know Law, including information on fees, advisory opinions and decisions, plus the name and address of all Open Records Officers in the Commonwealth of Pennsylvania. For information on the Office of Open Records, please go to openrecords.state.pa.us. (Please note: among other matters, the Office of Open Records shall establish fees for duplication by photocopying, printing from electronic media or microfilm, copying onto electronic media, and other means of duplication.)

V. Retention of Records

Nothing in the Right-to-Know Law shall be construed to modify, rescind or supersede the Authority's lawfully adopted record retention and disposition policy. Moreover, nothing in the Right-to-Know Law shall be construed to require access to any computer of the Authority, or that of an individual or employee of the Authority.

Hereby signed and duly adopted at the May 18, 2016 Board Meeting of West View Water Authority.

Chairman

Attest:

Secretary