

SCHOOL DISTRICT OF HAVERFORD TOWNSHIP

SECTION: OPERATIONS

TITLE: PUBLIC RECORDS

ADOPTED:

REVISED:

<p>1. Purpose</p> <p>2. Authority Act 3 of 2008, 65 P.S. §67.101-3104</p> <p>3. Definitions 65 P.S. §67.102</p>	<p style="text-align: center;">801. PUBLIC RECORDS</p> <p>The Board recognizes the importance of public records as the record of the acts of this District and the repository of information about this District. The public has the right under law to access and to procure copies of public records with certain exceptions in accordance with applicable law, Board Policy and administrative guidelines.</p> <p>The public records of this District shall mean those records defined as public records by the provisions of, and binding judicial interpretation of, the Pennsylvania Right to Know Law, (“RTK”), Act 3 of 2008, and other applicable federal and state law and judicial decrees or orders.</p> <p>Record - information, regardless of physical form or characteristics, that documents a District transaction or activity and is created, received or retained pursuant to law or in connection with a District transaction, business or activity, including: 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.</p> <p>Public Record - The public records of this District shall mean a record, including a financial record, which is not exempt from being disclosed under the Pennsylvania RTK or under any other federal or state law or regulation, judicial decree or order and/or which is not protected by a privilege.</p> <p>Financial record - any account, voucher or contract dealing with the receipt or disbursement of funds or acquisition, use or disposal of services, supplies, materials, equipment or property; the salary or other payments or expenses paid to an officer or employee, including the individual's name and title; and a financial audit report, but not including work papers underlying an audit.</p> <p>Certain public records shall be exempt from disclosure including but not limited to the following, subject to the limitations of applicable law:</p> <ol style="list-style-type: none"> 1. those which would cause the loss of federal or state funds if disclosed. 2. a record, the disclosure of which would be reasonably likely to result in a
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	<p>substantial and demonstrable risk of physical harm to or the personal security of an individual.</p> <ol style="list-style-type: none"> 3. a record, the disclosure of which would be reasonably likely to jeopardize or threaten public safety or preparedness. 4. a record, the disclosure of which creates a reasonable likelihood of endangering the safety or physical security of a building, public utility, resource, infrastructure, facility or information storage system. 5. a record regarding computers which if disclosed would be reasonably likely to jeopardize computer security. 6. personal medical information as specified in law. 7. personal identification information as specified in law. 8. certain employee information as specified in law. 9. records pertaining to strategy or negotiations relating to labor relations, collective bargaining and related arbitration proceedings. 10. drafts of bills, policy, management directives, ordinances or amendments to any of the foregoing, prepared for or by the District. 11. a record that reflects internal predecisional deliberations, as defined by law, and strategy to develop or achieve the successful adoption of a budget, legislative proposal or regulation. 12. trade secrets and confidential proprietary information. 13. personal notes and working papers prepared by or for a public official or agency employee for his/her own personal use. 14. academic transcripts, examinations, examination questions, scoring keys or answers. 15. records relating to or resulting in criminal investigations. 16. records relating to or resulting in noncriminal investigations. 17. draft minutes until the next regularly scheduled meeting and any minutes and records of discussions in executive session. 18. contents of real estate appraisals, engineering, environmental and feasibility studies related to real property transactions. 19. certain library records as specified in law. 20. precontract award documents; and bidder information prior to bid opening. 21. records of communications with insurance companies, administrative service organizations or risk management offices. 22. Information regarding applicants or recipients of social services. 23. Records identifying the name, home address, or date of birth of a child seventeen (17) years of age or younger. 24. The Board exempts from public access any material the disclosure of which would constitute an invasion of privacy, unless the individual concerned or the parent/guardian of a minor student consents in writing to public disclosure of the materials to specific individuals and/or institutions for a specified reason.
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4. Delegation of
Responsibility
65 P.S. §67.502

Upon request, and during the regular business hours of the District Administrative offices, the District shall make non-exempt public records available for access and duplication to any United States resident, in accordance with the RTK and other applicable law, Board policy and administrative regulations. Written requests may be submitted in person, by mail, by e-mail, or by facsimile, and must be addressed to the District's Open-Records Officer.

The District shall designate an Open Records Officer, who shall:

1. Receive, review and respond to records requests in accordance with law, Board policy and administrative regulations;
2. Record and maintain a copy of written requests in accordance with the RTK;
3. Consult with administration and other personnel and legal counsel, as necessary to identify, locate and review requested records;
4. Issue interim and final responses to submitted requests;
5. Compile and post at the District Administrative offices and on the District's Internet website the following information:
 - a. Contact information for the District's Open Records Officer.
 - b. Contact information for the state's Office of Open Records or other applicable appeals officer.
 - c. The form to be used to file a request for records with the District.
 - d. Board Policy, administrative guidelines and procedures governing requests for access to the District public records.

No original public record may be removed from the control or supervision of the designated custodian, unless pursuant to an order or decree of a Court of competent jurisdiction.

The District is not required to create a public record that does not exist nor to compile, maintain, format or organize a record in a manner not currently used by the District. The District shall use their best efforts to safeguard the integrity of its public records.

The Superintendent or his/her designee shall develop administrative procedures to comport with and implement the RTK, other applicable law and this policy including:

- 1) fee schedules for copying documents;
- 2) procedures for making and responding to requests;
- 3) designation of the District's Open-Records officer.

Appeal of Denial

If a request for access to a public record is denied or deemed denied, the requester may file an appeal within fifteen (15) business days of the mailing date of the Open Records Officer's response or a deemed denial to:

Pennsylvania Office of Open Records
400 North Street Plaza Level
Harrisburg, PA 17120-0225

Upon receipt of the appeal, the Pennsylvania Office of Open Records or designee shall make a final written determination of the request within thirty (30) days of the date the appeal was received. If denied, a written explanation shall be provided.

The requestor may appeal the decision of the Office of Open Records in accordance with the RTK.