

No: 801
 Section: OPERATIONS
 Title: PUBLIC RECORDS
 Garnet Valley School District
 Date Adopted: May 22, 2007

801. PUBLIC RECORDS

<p>1. Purpose</p>	<p>The Board recognizes the importance of public records as the record of the district's actions and the repository of information about the district. The public has the right under law to access and procure copies of public records, with certain exceptions, subject to law, Board policy, and administrative regulations. The Board also recognizes its obligation to maintain the confidentiality of student records and personnel records.</p>
<p>2. Definitions 65 P.S. § 67.102</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; or 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, excluding the audit's underlying work papers.</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>Response - the district's notice informing a requester of a granting of access to a record or the district's written notice to a requester granting, denying, or partially granting and partially denying access to a requested record.</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 Right to Know Law or under any other federal or state law or regulation, judicial decree or order and which is not protected by a privilege.</p>

65 P.S. § 67.708	<p>Public records <u>shall not</u> include the following:</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 substantial and demonstrable risk of physical harm to or the personal security of an individual. 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. Medical information. 7. Personal identification information. 8. Certain employee information. 9. Labor relations, negotiations and arbitration. 10. Predecisional drafts of bills, policy, management directives, ordinances or amendments to any of the foregoing. 11. Predecisional deliberations. 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. Donor identity, except donations to a public official or agency. 15. Unpublished works or documents. 16. Academic records. 17. Criminal investigations. 18. Noncriminal investigations. 19. Draft minutes until the next regularly scheduled meeting; executive session records are exempt. 20. Real estate appraisals and feasibility studies. 20. Certain library records. 21. Precontract award documents; bidder information prior to bid opening. 22. Communications with insurance company or risk management. 23. Information regarding recipients of social services. 24. Records regarding the identity of a minor. 25. The Board exempts from public inspection any material whose disclosure 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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<p>3. Authority</p> <p>65 P.S. §§ 67.302, 67.305, 67.504, 67.701</p>	<p>The Board shall make district’s public records available for access and duplication to any United States resident, in accordance with law, Board policy and administrative regulations.</p>
<p>4. Delegation of Responsibility</p> <p>65 P.S. § 67.502</p>	<p>The Board has designated the Board Secretary as the Open Records Officer, who shall be responsible to:</p> <ol style="list-style-type: none"> 1. Review and respond to written requests in accordance with law, Board policy and administrative regulations. 2. Direct requests to other appropriate individuals in the district or in another agency. 3. Track the district’s progress in responding to requests. 4. Issue interim and final responses to submitted requests. 5. Maintain a log of all record requests and their disposition. 6. Ensure district staff are trained to perform assigned job functions relative to requests for access to records. 7. The Open Records Officer shall ensure that the Board policy governing access to public records and the list of applicable fees are posted at the district office.
<p>65 P.S. §§ 67.502, 67.901, 67.1101</p>	<p>Upon receiving a request for access to a record, the Open Records Officer shall:</p> <ol style="list-style-type: none"> 1. Note the date of receipt on the written request. 2. Compute and note on the written request the day on which the five-day period for response will expire. 3. Maintain an electronic or paper copy of the written request, including all documents submitted with the request, until the request has been fulfilled. 4. If the written request is denied, maintain the written request for thirty (30) days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied.
<p>5. Guidelines</p> <p>65 P.S. § 67.701</p>	<p>A public record shall be provided to the requester in the medium requested if it exists in that form; otherwise, it shall be provided in its existing medium.</p>

<p>65 § 67.705</p>	<p>Requesters may access and procure copies of the public records of the district during the regular business hours of the administration office.</p> <p>A requester's right of access does not include the right to remove a record from the control or supervision of the Open Records Officer.</p> <p>When responding to a request for access, 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 which the district does not currently use.</p> <p>Information shall be made available to individuals with disabilities in an appropriate format, upon request and with sufficient advance notice.</p>
<p>65 § 67.302</p>	<p>The district shall not limit the number of records requested.</p>
<p>65 P.S. §§ 67.504, 67.505</p>	<p>The district shall post at the administrative office and on the district's website the following information:</p> <ol style="list-style-type: none"> 1. Contact information for the Open Records Officer. 2. Contact information for the state's Office of Open Records or other applicable appeals officer. 3. The form to be used to file a request, with a notation that the state Office of Open Records form may also be used if the district decides to create its own form. 4. Board policy, administrative regulations and procedures governing requests for access to the district's public records.
<p>65 P.S. §§ 67.504, 67.505, 67.703</p>	<p><u>Request for Access</u></p> <p>A written request for access to a public record shall be submitted on the required form(s), and addressed to the office of the Open Records Officer in writing and/or by mail:</p> <p>School Board Secretary (Ms. Marge Brown) 80 Station Road Glen Mills, PA 19342</p> <p>Written requests may be submitted to the district in person, by mail, to a designated fax machine, and to a designated e-mail address.</p>
<p>65 P.S. §§ 67.701, 67.703</p>	<p>Each request must include the following information:</p> <ol style="list-style-type: none"> 1. Identification or description of the requested record, in sufficient detail. 2. Medium in which the record is requested. 3. Name and address of the person to receive the district's response.

65 P.S. § 67.703	The district shall not require an explanation of the reason for the request or the intended use of the requested record, unless otherwise required by law.
65 P.S. §§ 67.502, 67.702	<p><u>Response to Request</u></p> <p>District employees shall be directed to forward requests for access to public records to the Open Records Officer.</p>
65 P.S. § 67.901	<p>Upon receipt of a written request for access to a record, the Open Records Officer shall determine if the requested record is a public record and if the district has possession, custody or control of that record.</p>
	<p>The Open Records Officer or designee shall respond promptly within five (5) business days of receiving the request. If the district fails to respond to a request within five (5) business days, the request for access shall be deemed denied.</p> <p>The initial response shall grant access to the requested record, deny access to the requested record, partially grant and partially deny access to the requested record, or notify the requestor of the need for an extension of time to fully respond.</p>
65 P.S. §§ 67.901, 67.902	<p><u>Extension of Time</u></p>
	<p>If the district determines that more than five (5) business days are required to respond to the request, in accordance with the reasons stated in the law, notice shall be sent indicating that the request is being reviewed, the reason for the delay, the reason for the review, a date when the response will be provided, and an estimate of any fees.</p>
	<p>Up to a thirty (30) day extension for one (1) of the listed reasons does not require the consent of the requester. If the response is not given by the specified date, it shall be deemed denied on the day following that date.</p>
	<p>A requester may consent in writing to an extension that exceeds thirty (30) days, in which case the request shall be deemed denied on the day following the date specified in the notice if the Open Records Officer has not provided a response by that date.</p>
	<p><u>Grant of a Request</u></p>
	<p>If the Open Records Officer determines that the request will be granted, the response shall inform the requester that access is granted and either include information on the regular business hours of the administration office, provide electronic access, or state where the requester may go to inspect the records or information electronically at a publicly accessible</p>

<p>65 P.S. §§ 67.701, 67.704</p>	<p>site. The response shall include a copy of the fee schedule in effect, a statement that prepayment of fees is required in a specified amount if access to the records will cost in excess of one hundred dollars (\$100.00), and the medium in which the records will be provided.</p> <p>A public record shall be provided to the requester in the medium requested if it exists in that form; otherwise, it shall be provided in its existing medium. However, the district is not required to permit use of its computers.</p>
<p>65 P.S. § 67.506</p>	<p>The Open Records Officer may respond to a records request by notifying the requester that the record is available through publicly accessible electronic means or that the district shall provide access to inspect the record electronically. If the requester, within thirty (30) days following receipt of the district’s notice of access by electronic means, submits a written request to have the record converted to paper, the district shall provide access in printed form within five (5) days of receipt of the request for conversion to paper.</p>
<p>65 P.S. § 67.707</p>	<p>A public record that the district does not possess but is possessed by a third party with whom the district has contracted to perform a governmental function and which directly relates to that governmental function shall be considered a public record of the district. When the district contracts with such a third party, the district shall require the contractor to agree in writing to comply with requests for such records and to provide the district with the requested record in a timely manner to allow the district to comply with the law.</p>
<p>65 P.S. § 67.905</p>	<p>The Open Records Officer shall notify a third party of a record request if the requested record contains a trade secret or confidential proprietary information, in accordance with law and administrative regulations.</p>
<p>65 P.S. § 67.901, 67.903</p>	<p>If the Open Records Officer responds to a requester that a copy of the requested record is available for delivery at the administration office and the requester does not retrieve the record within sixty (60) days of the district’s response, the district shall dispose of the copy and retain any fees paid to date.</p>
<p>65 P.S. § 67.901, 67.903</p>	<p><u>Denial of Request</u></p> <p>If the Open Records Officer denies a request for access to a record, a response shall be sent within five (5) business days of receiving the request. The response denying the request shall include the following:</p> <ol style="list-style-type: none"> 1. Description of the record requested.

	<ol style="list-style-type: none"> 2. Specific reasons for denial, including a citation of supporting authority. 3. Name, title, business address and telephone number, and signature of the Open Records Officer on whose authority the denial was issued. 4. Date of the response. 5. Procedure for the requester to appeal a denial of access.
65 P.S. § 67.506	<p>The district shall not deny access to a public record based on the intended use by the requester.</p> <p>The Open Records Officer may deny a request for access to a record if the requester has made repeated requests for that same record and the repeated requests have placed an unreasonable burden on the district.</p> <p>The Open Records Officer may deny a request for access to a record when timely access is not possible due to a disaster, or when access may cause physical damage or irreparable harm to the record. To the extent possible, a record's contents shall be made accessible even when the record is physically unavailable.</p>
65 P.S. §§ 67.706, 67.903	<p>Information that is not subject to access and is redacted from a public record shall be deemed a denial.</p>
65 P.S. § 67.1101	<p><u>Appeal of Denial</u></p> <p>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:</p> <p>Pennsylvania Office of Open Records 400 North Street Plaza Level Harrisburg, PA 17120-0225</p> <p>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.</p> <p>The final determination shall be the final order of the Office of Open Records.</p>
65 P.S. §	<p>The requester may appeal the Office of Open Record's final order by</p>

<p>67.1302</p> <p>65 P.S. § 67.1307</p>	<p>petitioning the Court of Common Pleas, in accordance with the provisions of law.</p> <p><u>Fees</u> Duplicates of public records shall be provided by the district upon payment of applicable fees.</p> <p>A list of fees that may apply shall be provided to each requester, posted at the district’s office, and be made available electronically.</p> <p>The district shall not assess any fees for staff time or resources used to evaluate a request for access to public records.</p> <p>The district may require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed \$100.</p> <p>The district may charge actual fees for mailing.</p> <p>References:</p> <p>School Code – 24 P.S. §§ 4-408, 5-518</p> <p>Right-to-Know Law – 65 P.S. § 67.101, et seq.</p> <p>Americans with Disabilities Act – 42 U.S.C. § 12101, et seq.</p> <p>Accessibility to Communications, 28 C.F.R. §§ 35.160, 35.164</p> <p>Board Policy - 800</p>
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