

ADMINISTRATION AND GOVERNMENT

PART 13

POLICY FOR ACCESS TO PUBLIC RECORDS

§1301. Requests for Access to Public Records.

All requests for access to public records of the Borough shall be made in writing or by facsimile.

(Res. 02-17, 11/12/2002, §1; as amended by Ord. 1290, 11/11/2008, §1)

§1302. Direction of Requests for Access to Public Records.

All requests for access to public records of the Borough shall be directed to the Open Records Officer, Borough of Wyomissing, 22 Reading Boulevard, Wyomissing, Berks County, PA 19610; telephone: 610-376-7481, facsimile: 610-376-8470.

(Res. 02-17, 11/12/2002, §2; as amended by Ord. 1290, 11/11/2008, §1)

§1303. Determination of Granting or Denial of Request.

When a request is received for access to public records, the Borough shall make a determination within five business days of receipt of the request to grant or deny the request. The person or entity requesting the information shall be promptly notified of the Borough's decision.

(Res. 02-17, 11/12/2002, §3)

§1304. Issuance of Notice of Review.

- A. If, after receiving a request for access to public records, the Borough determines any of the following circumstances exist, the person or entity requesting access to the records shall be issued a notice that the request is being reviewed:
 - A. The request for access requires redaction of a public record.
 - B. The request for access requires 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 staff limitations.
 - D. A legal review of the request is necessary to determine whether the record is a public record subject to access under the Act.

- E. The person or entity requesting access to the public record has not complied with the Borough's policies regarding access to public records.
 - F. The person requesting access to the record refuses to pay applicable fees as contained herein.
 - G. The extent and nature of the request precludes a response within the time period.
- B. The person or entity requesting access to the public record shall be informed in writing as to the specific reason that their request is being reviewed.

(Res. 02-17, 11/12/2002, §4; as amended by Ord. 1290, 11/11/2008, §1)

§1305. Notice of Denial.

If a request for access to public records is denied, the person or entity requesting the records shall be informed of the reason that the request has been denied and shall be given the authority relied upon by the Borough for denying access. The notice of denial shall contain the description of the record requested, the name of the Open Records Officer making the decision to deny access to the public record, the date of the denial and shall include the signature of the Open Records Officer denying access, along with an explanation of the procedures for appealing the Borough's denial of access to the record in question.

(Res. 02-17, 11/12/2002, §5; as amended by Ord. 1290, 11/11/2008, §1)

§1306. Fees for Requests.

- A. Fees shall be set from time to time by resolution of Borough Council and pursuant to the Right To Know Law, 65 P.S. § 1307.
- B. The Borough, in its sole discretion, may waive the fees for duplication of public records if the Borough determines that it is in the public interest to do so.

(Res. 02-17, 11/12/2002, §6; as amended by Ord. 1290, 11/11/2008, §1)

§1307. Prepayment.

If the estimated costs of responding to a public record request is expected to exceed \$100, the Borough may require the person or entity requesting the record to prepay the estimated fees authorized by this policy, prior to providing access to the public record. Access to the records requested shall be postponed until prepayment is received.

ADMINISTRATION AND GOVERNMENT

(Res. 02-17, 11/12/2002, §7; as amended by Ord. 1290, 11/11/2008, §1)

§1308. Processing Requests for Access.

The Borough shall utilize the form attached hereto as Exhibit "A" to process all requests for access to the Borough's public records. When completed, a copy of the form shall be given to the person requesting the information; and a copy shall be retained by the Borough.

(Res. 02-17, 11/12/2002, §8)

§1309. Designation of Open Records Officer.

Borough Council shall designate an Open Records Officer by resolution, pursuant to 65 P.S. § 67.502.

(Ord. 1290, 11/11/2008, §1)



Standard Right-to-Know Law Request Form

Good communication is vital in the RTKL process. Complete this form thoroughly and retain a copy; it is required should an appeal be necessary. You have 15 business days to appeal after a request is denied or deemed denied.

SUBMITTED TO AGENCY NAME: _____ Borough of Wyomissing _____ (Attn: AORO)

Date of Request: _____ Submitted via: Email U.S. Mail Fax In Person

PERSON MAKING REQUEST:

Name: _____ Company (if applicable): _____

Mailing Address: _____

City: _____ State: _____ Zip: _____ Email: _____

Telephone: _____ Fax: _____

How do you prefer to be contacted if the agency has questions? Telephone Email U.S. Mail

RECORDS REQUESTED: Be clear and concise. Provide as much specific detail as possible, ideally including subject matter, time frame, and type of record or party names. Use additional sheets if necessary. RTKL requests should seek records, not ask questions. Requesters are not required to explain why the records are sought or the intended use of the records unless otherwise required by law.

DO YOU WANT COPIES? Yes, electronic copies preferred if available

Yes, printed copies preferred

No, in-person inspection of records preferred (may request copies later)

Do you want certified copies? Yes (may be subject to additional costs) No

RTKL requests may require payment or prepayment of fees. See the Official RTKL Fee Schedule for more details.

Please notify me if fees associated with this request will be more than \$100 (or) \$_____.

ITEMS BELOW THIS LINE FOR AGENCY USE ONLY

Tracking: _____ Date Received: _____ Response Due (5 bus. days): _____

30-Day Ext.? Yes No (If Yes, Final Due Date: _____) Actual Response Date: _____

Request was: Granted Partially Granted & Denied Denied Cost to Requester: \$_____

Appropriate third parties notified and given an opportunity to object to the release of requested records.

NOTE: In most cases, a completed RTKL request form is a public record.

More information about the RTKL is available at <https://www.openrecords.pa.gov>

Form updated Nov. 27, 2018

BOROUGH OF WYOMISSING
BERKS COUNTY, PENNSYLVANIA

RESOLUTION NO. 2023-19

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA, ADOPTING AN UPDATED OPEN RECORDS POLICY FOR THE BOROUGH OF WYOMISSING

WHEREAS, the Pennsylvania Right-To-Know Law, 65 P.S. Section 504 provides for the adoption and posting of the regulations, policies and procedures in each local agency; and

WHEREAS, as a Borough in the Commonwealth of Pennsylvania, the Borough of Wyomissing (“Borough”) is a local agency under the Pennsylvania Right to Know Law; and

WHEREAS, it is essential to the proper operation of the government of the Borough, as well as to assure that the laws are faithfully enforced, that updated Open Records Policy be adopted; and

WHEREAS, to ensure the most up to date policy is provided for the Council of the Borough desires to adopt an updated Open Records Policy.

NOW, THEREFORE, BE IT RESOLVED, by Council for the Borough of Wyomissing that the attached Open Records Policy be adopted for the Borough of Wyomissing.

FURTHER RESOLVED, that if any provision, sentence, clause, section, or part of this Resolution shall for any reason be found to be unconstitutional, illegal or invalid, such determination shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution, and it is hereby declared to be the intent of the Borough Council of the Borough of Wyomissing that this Resolution would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not been included herein.

FURTHER RESOLVED, that all Resolutions or parts of Resolutions inconsistent with this Resolution, are hereby superseded.

SIGNATURES ON NEXT PAGE

IN WITNESS WHEREOF, the Borough Council of the Borough of Wyomissing has adopted this Resolution in lawful session this 11th day of July 2023.

COUNCIL FOR THE BOROUGH OF
WYOMISSING, BERKS COUNTY,
PENNSYLVANIA

By: William Jenckes
William Jenckes
Borough of Wyomissing Council President

Attest: Melissa Miller
Melissa Miller
Secretary
Fred Levering, Mayor

CERTIFICATE

I hereby certify that the foregoing is a true and accurate copy of a Resolution of the Borough Council of WYOMISSING, Berks County, Pennsylvania, which was fully adopted at a public meeting held pursuant to notice as required by law on the 1st day of July, 2023.

Melissa Miller

Melissa Miller
Borough Secretary

Dated: July 1st, 2023

**BOROUGH OF WYOMISSING
BERKS COUNTY, PENNSYLVANIA**

Open Records Policy

Open Record Officer

The Board of Supervisors of the Borough of Wyomissing ("Borough") has designated Melissa Miller as the Borough of Wyomissing Open Records Officer. The Borough's Open Records Officer, Melissa Miller, may be reached at:

Borough of Wyomissing
22 Reading Boulevard
Wyomissing, PA 19610
Phone: 610-376-7481 Fax: 10-376-8470
mmiller@wyomissingboro.org

General

Established Borough business hours are generally Monday through Friday from 9:00 AM to 3:00 PM, with the exception of holidays.

All documents deemed public records shall be available for inspection, retrieval, and duplication at the Borough Hall during established business hours.

Requests

Requests shall be made in writing to the Borough Open Records Officer on a form provided by the Borough or the form provided by the Pennsylvania Office of Open Records. (See attached form)

Fees

Paper copies shall be 25 cents per page per side. The certification of a record is \$1 per record. Specialized documents including, but not limited to blue prints, color copies, and non-standard sized documents shall be charged the actual cost of production. If mailing is requested, the cost of postage will be charged. Requestor may be required to pay the amount due for postage and reproduction of the documents before they are provided. The Borough shall require prepayment before reproduction of the documents if the total fees are estimated to exceed \$100.

Response

The Borough shall make a good-faith effort to provide the requested public record(s) as promptly as possible. The Open Records Officer shall cooperate with those requesting records to review and/or duplicate original Borough documents while taking reasonable measure to protect Borough documents from the possibility of theft, damage, and/or modification.

The Open Records Officer shall review all written requests for access to public records. As soon as possible, but no later than five business days after receiving a written request to access public records, unless an extension is taken pursuant to Act 3 of 2008, the Right-to-Know Law, the Open Records Officer shall respond to such requests in writing consistent with Act 3 of 2008, the Right-to-Know Law.

If access to a record is denied, the response shall include a reason for denial as stipulated in Act 3 of 2008, the Right-to-Know Law.

Contact Information for Appeals

If a written request is denied or deemed denied, the requester may file an appeal in writing to:

Executive Director
Office of Open Records
333 Market Street
16th Floor
Harrisburg, Pennsylvania 17101-2234

Appeals of criminal records shall be made to the District Attorney of Berks County:

John T. Adams, Esq.
Berks County Services Center
633 Court Street, 5th Floor
Reading, PA 19601
Phone: (610) 478-6000

Appeals Process

The appeal shall be filed within 15 business days of the mailing date of the Borough's response or within 15 business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts the records is a public record and shall address any grounds stated by the Borough for delaying or denying the request.

Borough of Wyomissing
22 Reading Boulevard
Wyomissing, PA 19610

Phone: 610-376-7481 Fax: 10-376-8470
mmiller@wyomissingboro.org

BOROUGH OF WYOMISSING
RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: _____

REQUEST SUBMITTED BY: E-MAIL U.S. MAIL FAX IN-PERSON

NAME OF REQUESTOR: _____

STREET ADDRESS: _____

CITY/STATE/COUNTY/ZIP (Required): _____

TELEPHONE (Optional): _____ EMAIL (Optional): _____

RECORDS REQUESTED:

*Provide as much specific detail as possible so the agency can identify the information. Please use additional sheets if necessary

DO YOU WANT COPIES? YES or NO

DO YOU WANT TO INSPECT THE RECORDS? YES or NO

DO YOU WANT CERTIFIED COPIES OF RECORDS? YES or NO

DO YOU WANT TO BE NOTIFIED IN ADVANCE IF THE COST EXCEEDS \$100? YES NO

** PLEASE NOTE: RETAIN A COPY OF THIS REQUEST FOR YOUR FILES **

** IT IS A REQUIRED DOCUMENT IF YOU WOULD NEED TO FILE AN APPEAL**

FOR AGENCY USE ONLY

OPEN-RECORDS OFFICER:

I have provided notice to appropriate third parties and given them an opportunity to object to this request

DATE RECEIVED BY THE AGENCY: _____

AGENCY FIVE (5) BUSINESS DAY RESPONSE DUE:

***Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in the Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)*