
Community Investment Partnership Program Job Creation Grant Program Right to Know Policy

Applicability: Right to Know requests for information related to grant applications and grant awards for the Community Investment Partnership Program (CIPP) Job Creation Grants Program (JCGP) CIPP Job Creation Grant Program.

I. Background

- A. Under 65 P.S. Section 67.101, et seq., known as Pennsylvania's Right to Know Law ("RTKL"), as attached, Northampton County ("County") must provide public access to public records. The law presumes that all records held by state and local agencies are public, including requests for funding; however, Section 708 of the Law does contain certain exemptions from production. One such category of documents exempt from production includes records that "constitute or reveal a trade secret or confidential proprietary information." Privately held businesses applying for JCGP funds will be advised of this policy prior to the submission and will be provided the opportunity to discuss the intent of and limits to the confidentiality exemptions of the RTKL prior to submitting any information to the County.
- B. It is understood that the RTKL applies to all information submitted by a business when requesting or receiving public funds under the JCGP.

II. Application Submission

- A. Electronic submissions of "CONFIDENTIAL" material will not be accepted.
- B. If the business believes that any portion of information submitted to the County contains a "trade secret or confidential proprietary information," as that term is defined in the RTKL, the business shall provide a written statement, signed by business's authorized representative, that the record contains a trade secret or confidential proprietary information (See Right to Know Law Section 707(b)).
- C. Information and/or records that are considered by the business to "constitute or reveal a "trade secret," or are, "confidential proprietary information" or contain information that would be considered exempt subject to Right to Know Law Section 707(b) shall be submitted via hard copy and each page containing such information should be clearly marked CONFIDENTIAL.

III. Receipt of Right to Know Request

- A. If the County needs the business's assistance in any matter arising out of the RTKL, it shall notify the business, in writing, using the legal contact information contained within the Grant Application or Grant Agreement.
- B. In the event the County receives a RTKL request for 3rd party materials already in its possession, the County will provide the business notice of the request and an opportunity to respond, consistent with Section 707(b) of the RTKL.
- C. The business will have seven (7) calendar days from the receipt of notification from the County to provide input on the release of the record.
- D. The County will rely upon the written statement(s) from the business in denying a RTKL request for the Requested Information unless the County determines that the Requested Information is clearly not protected from disclosure under RTKL. Should the County determine that the Requested Information is clearly not exempt from disclosure, the County will provide the business written notice prior to releasing the information.
- E. The business may file a legal challenge to any County decision to release a record to the public with the Office of Open Records, or in the Pennsylvania Courts; however, the business shall indemnify the County for any legal expenses incurred by the County as a result of such challenge and hold the County harmless for any damages, penalties, costs, detriment, or harm that the County may incur as a result of the businesses failure, including any statutory damages assessed against the County, regardless of the outcome of such legal challenge. As between the parties, the business agrees to waive all rights or remedies that may be available to it as a result of the County's disclosure of Requested Information pursuant to the RTKL.

IV. Storage of Grant Applications

- A. All application files shall be combined into a portable document format and saved in the shared County hard drive in a location accessible to staff of the Department of Community and Economic Development. Confidential items will be segregated into a distinct folder to avoid the chance of accidental disclosure.