

# **NORTHAMPTON COUNTY CONTROLLER'S OFFICE**

## **OPEN RECORDS POLICY**

### Section 1 – Purpose

The purpose of this policy is to assure compliance with Act 3 of 2008, the Pennsylvania Right-to-Know Law, as amended: to provide access to the public records of the Northampton County Controller's Office (hereinafter, the "NC Controller's Office"); to preserve the integrity of the NC Controller's Office records; and to minimize the financial impacts to the residents of the County and others regarding the resources utilized in the receipt and processing of public records requests and the retrieval and copying of public records.

### Section 2 – Designating an Open Records Officer

It is the policy of the NC Controller's Office to require the presence of a designated employee when public records are examined and inspected and to charge reasonable fees for duplicating public records of the NC Controller's Office. The NC Controller's Office Open Records Officer is as follows:

Anthony Sabino, CIA  
Controller's Office  
669 Washington Street  
Easton, Pennsylvania 18042  
Phone: 610-829-6621  
Email: [asabino@northamptoncounty.org](mailto:asabino@northamptoncounty.org)

The above Open Records Officer is responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines:

- A. The Open Records Officer may delegate certain employees to process open record requests.
- B. The Open Records Officer is responsible for minimizing, where possible, the financial impact on the NC Controller's Office regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

C. Pursuant to the foregoing, the NC Controller's Office only produces audit reports which are described on the Home Page of the NC Controller's Office. Most of those reports can be accessed via the "Audit Reports" tab on the Home Page of the NC Controller's Office. If, using that tab, you cannot access a report issued by our office or can access the report but cannot print it out, please send a written request to the designated Open Records Officer of the NC Controller's Office on the form which appears on this Right-to-Know Request Information tab and, upon receipt of the assessed costs, the Open Records Officer will make it available for your retrieval at the NC Controller's Office or will gladly print it and mail, fax or email it to the address or number you specify on the request form. Requests for other documents or information in our office which do not appear on our Audit Reports tab will be addressed after our Solicitor determines that what is being requested is a public record, subject to review and/or release.

### Section 3 – Request for Open Records

A. All requests for public records of the NC Controller's Office under this policy **must** be submitted to the NC Controller's Office on the form which appears in this "Right to Know Request Information" tab and shall be specific in identifying and describing each public record requested. (This form is also available in both Word and pdf on the Pennsylvania Office of Open Records website.) In no case shall the NC Controller's Office be required to create a public record which does not exist in its office, nor to compile, maintain, format or organize a public record in a manner which the NC Controller's Office does not currently compile, maintain, format or organize any such public record in its office.

All requests for public records in the NC Controller's Office shall be submitted to the designated Open Records Officer named on the first page of this Policy, in writing on the required form, and shall include the date of request, the requester's name, address, telephone number and, if available, email address, certification of United States residency, signature of the requester and, if duplication is requested or required to fulfill the request, appropriate payment, to the order of "County of Northampton".

The required form for submission of an open records request to the NC Controller's Office is in this "Right to Know Request Information" tab.

- B. The Open Records Officer of the NC Controller's Office or his designee shall make a good faith effort to determine whether each record requested exists in the NC Controller's Office and, if so, whether each record requested is a public record.
- C. The Open Records Officer of the NC Controller's Office shall facilitate a reasonable response to a request for public records of its office. In no case is the NC Controller's Office expected to provide extraordinary staff to respond to a request, but will respond in a manner consistent with the administrative responsibility of the NC Controller's Office and with the requirements of the Pennsylvania Right-to-Know Law.
- D. The NC Controller's Office shall respond within five (5) business days from the date of receipt of a written request. If the NC Controller's Office does not respond within five (5) business days of its receipt for a public record, the request shall be deemed denied. For this purpose, the term "business days" shall mean Monday through Friday, inclusive, except for any holiday(s) on which the office is closed or any other day the office is closed by governmental or other mandate but, in any event, shall exclude Saturday and Sunday.
- E. The response provided by the NC Controller's Office shall consist of:
  - (1) Approval for access to the public record; (2) a review of the request by a designated employee; or (3) a denial of access to the record requested and the reason for such denial.
- F. If access to the public record requested is approved, the public record shall be made available to the requester for access during the regular business hours of the NC Controller's Office. The Open Records Officer of the NC Controller's Office or his designee shall fully cooperate with the requester, while also taking reasonable measures to protect the public records of the NC Controller's Office from theft and/or modification. The presence of the Open Records Officer or designee is required when public records are examined and inspected at the NC Controller's Office.
- G. The NC Controller's Office may, in its discretion (but is not required to), fulfill verbal, written or anonymous verbal or written requests for access to its public records. However, if the requester wishes to pursue the relief and remedies provided in the Right-to-Know Act, then the request must be in writing on the designated form, in accordance with the requirements set forth in this policy.

- H. A public 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. If the public record is capable of transformation to another medium requested and the requester agrees to pay for such transformation, then the Open Records Officer or his designee will transform it to the requested medium.

#### Section 4 – Fees

- A. Fees for duplication of public records shall be as established by the Commonwealth’s Office of Open Records. Currently, the NC Controller’s Office will charge a fee of \$.25 per page for required copying. In the event of complex or extensive data sets, the actual cost of production shall be charged and, in any event, if mailing is requested, the cost of postage will be charged. All fees must be paid before the record is made available to and/or released to the requester.
- B. The NC Controller’s Office will impose reasonable fees for official certification of copies if the certification is at the behest of the requester. Presently, the NC Controller’s Office will assess a fee of \$5.00 for certification, together with applicable notary fees, if required.
- C. In the event that the estimated cost of fulfilling a request submitted under this policy is expected to exceed \$100.00, the Open Records Officer of the NC Controller’s Office or his designee shall obtain the expected cost in advance of fulfilling the request to avoid unwarranted impact on the resources of the office.

#### Section 5 – Extended Responses

- A. If the request submitted requires an extensive review by the Open Records Officer of the NC Controller’s Office, either on his own or with the assistance of the Solicitor to the NC Controller’s Office, the notice provided to the requester shall be in writing and include the reason for the review and the expected response date, which shall be within thirty (30) days of the notice of review. If the NC Controller’s Office does not respond within thirty (30) days of the date of the notice of review, the

request is deemed denied. Extended reviews of the request will be limited to situations where:

- i. The record requested contains information which is subject to access as well as information which is not subject to access which must be redacted prior to a grant of access. The redacted information is considered a denial as to that information;
- ii. The record requires retrieval from a remote location (i.e., a contractor of the NC Controller's Office);
- iii. A timely response cannot be accomplished due to staffing limitations;
- iv. A legal review is required to determine whether the record requested is a public record;
- v. The requester has failed to comply with the policy and procedure requirements established by the NC Controller's Office, as set forth in this policy;
- vi. The requester refuses to pay the applicable fees; or
- vii. The extent or nature of the request precludes a response within the required time period.

Upon determination that one of the factors listed above applies, the NC Controller's Office shall send written notice to the requester 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 by which a response is expected to be provided and an estimate of the applicable fees owed if and when the record is determined to be a public record and becomes available. 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, the request for access shall be deemed denied unless the requester agrees 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 NC Controller's Office has not provided a response by that date.

## Section 6 – Appeals

- A. If access to the record requested is denied, the notice provided to the requester by the NC Controller's Office shall be in writing and shall

- include a description of the record requested, the typed or printed name, title, business address, business telephone number, business email and signature of the Open Records Officer of the NC Controller's Office denying access, the reason for denying access, the date of the response and the procedure to appeal under the Right-to-Know Law.
- B. If the request is denied or deemed denied, the requester may file an appeal with the Commonwealth's Office of Open Records within fifteen (15) business days of the mailing date of the notice of denial from the NC Controller's Office, or within fifteen (15) business days of the date of a deemed denial. The appeal shall state the grounds upon which the requester asserts that the record is believed to be available in the NC Controller's Office **and** is a public record subject to inspection and/or release, and shall address any grounds stated by the NC Controller's office for delaying or denying the request.
- C. Within thirty (30) days of the mailing date of the final determination of the appeals officer of the Commonwealth's Office of Open Records, the requester or the NC Controller's Office may file a petition for review or other documents as required by rule of court with the Northampton County Court of Common Pleas. The decision of the Court shall contain findings of fact and conclusions of law based upon the evidence as a whole. A petition for review under this section shall stay the release of the requested record(s) until a decision is issued.

## Section 7 – Incorporation of Notices

In that the NC Controller's Office is independent from the Executive, Legislative and Judicial branches of the Northampton County Government, the Notices set forth on the "Right to Know Request Information" tab relative to the types of reports generated by the NC Controller's Office and obtainable through the NC Controller's office and the public records which are obtainable, separately, through the Northampton County Solicitor's Office are incorporated herein by reference. This means that any request submitted to the Northampton County Controller's Office for records relating to the Executive, Legislative, Judicial or other branch of the government and which do not exist in the Northampton County Controller's Office will be denied, with a suggestion that the requester submit their request to the Northampton County Solicitor's Office, for the purpose of trying to

assist the requester in obtaining the requested records as quickly and efficiently as possible.