

STANDARD RIGHT-TO-KNOW REQUEST FORM

This Record Request Form is to be used for all requests to examine and/or copy any public records of the Borough of Tyrone. The person requesting the records shall complete the form and submit it to the Borough's Open Records Officer at the Tyrone Borough Municipal Building, 1100 Logan Avenue, Tyrone, PA 16686. While there is no charge to examine records, copy and data charges do apply.

DATE REQUESTED: _____

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

NAME OF REQUESTOR: _____

ADDRESS: _____

TELEPHONE: _____

RECORDS REQUESTED: *(*Provide as much specific detail as possible so the agency can identify the information.)*

INSTRUCTIONS: Review at Office Fax Disk
 Pick Up Mail Email

DO YOU WANT CERTIFIED COPIES OF RECORDS? YES or NO

Signature of Requestor: _____

Printed Name of Requestor: _____

.....
For Office Use Only:

Approval of Records: _____

Number of Copies: _____

Amount of Postage, Disk, Fax: _____

Total Amount Due: _____

Date Request Received: _____ **Date Request Fulfilled:** _____

Date Requestor Notified: _____ **Date Requestor Picked Up:** _____

***Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this 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.)*

RESOLUTION NO. 2008-14

WHEREAS, the Borough adopted an Open Records Policy by Resolution 2003-02 on January 6, 2003; and

WHEREAS, Pennsylvania Act 3 of 2008 rescinded the Commonwealths previous Right-to-Know law and adopted a completely revised Right-to-Know law governing the availability of open records which will be effective January 1, 2009 and;

WHEREAS, the Council of the Borough of Tyrone desires to rescind Resolution 2003-02 and adopt in its place the Open Records Policy attached hereto as the Borough's Open Records Policy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Tyrone, that the Borough of Tyrone, hereby rescinds Resolution 2003-02 and adopts the Open Records Policy attached hereto and incorporated herein.

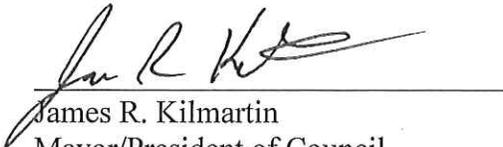
BE IT FURTHER RESOLVED that this Resolution shall become effective January 1, 2009.

Adopted this 10th day of November, 2008.

ATTEST:


Sharon Dannaway
Borough Manager/Secretary

BOROUGH OF TYRONE:


James R. Kilmartin
Mayor/President of Council

BOROUGH OF TYRONE OPEN RECORDS POLICY

I. PURPOSE

A. The Borough recognizes the importance of public records as the record of the Borough's actions and the repository of information about this Borough. The public has the right under law to inspect and to procure copies of public records, with certain exceptions, subject to Borough policy. The Borough also recognizes its obligation to maintain the confidentiality of criminal investigative and personnel records. This Open Records Policy is adopted pursuant to Pennsylvania's "Right-to-Know Law, Act 3 of 2008, 65 P.S. Section 67101 *et seq.* (hereinafter sometimes referred to as "Act 3 of 2008" or "Act") and shall be deemed to be amended upon the amendment of any applicable State and/or Federal law to make said Policy consistent with any such amendment without further action by the Borough to do so.

II. DEFINITIONS

- A. **Appeals Officer** — the individual assigned by the Office of Open Records for the Commonwealth of Pennsylvania to review situations wherein individuals are denied access to a record and elect to appeal the decision.
- B. **Open Records Officer** — the Borough Manager or the individual assigned by the Borough Manager to receive and process all requests for public records as per Act 3 of 2008, and applicable State and Federal Law, all as amended from time to time.
- C. **Public records** — the term "public record" is defined as "(a) record including a financial record of the Borough that: (1) is not exempt under Section 708; (2) is not exempt from being disclosed under any other federal or state law or regulation or judicial order or decree; or (3) is not protected by a privilege." 65 P.S. Section 67.102. A "record" is defined as "[i]nformation, regardless of physical form or characteristics, *that documents a transaction or activity of an agency* and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency. The term includes 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." 65 P.S. Section 67.102. (Italics added.) A "financial record" is defined as any of the following: "(1) [a]ny account, voucher or contract dealing with: (i) the receipt or disbursement of funds by an agency; or (ii) an agency's acquisition, use or disposal of services, supplies, materials, equipment or property. (2) The salary or other payments or expenses paid to an officer or employee of an agency, including the name and title of the officer or employee. (3) A financial audit report. The term does not include work papers underlying an audit." 65 P.S. Section 67.102.

III. EXEMPTIONS TO PUBLIC RECORDS

- A. **Loss of federal or state funds** — A record the disclosure of which would result in the loss of federal or state funds. 65 P.S. Section 67.708(b)(1).

- B. Reasonable likelihood of substantial and demonstrable risk of physical harm or personal security** — 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. 65 P.S. Section 67.708(b)(1).
- C. Public safety** — A record in connection with a public safety activity if disclosure would be reasonably likely to jeopardize or threaten public safety or preparedness. 65 P.S. Section 67.708(b).
- D. Safety or security of facilities** — 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, including: (1) lists of infrastructure, resources and significant special events, threat assessments, consequences assessments, antiterrorism protective measures and plans and security and response-needs assessments; and (2) building plans or infrastructure records that expose or create vulnerability through disclosure of critical systems, such as structural elements, technology, communication, electrical, fire suppression, etc. 65 P.S. Section 67.708(b)(3).
- E. Computer systems** — A record regarding computer hardware, software and networks, including administrative or technical records, which, if disclosed, would be reasonably likely to jeopardize computer security. 65 P.S. Section 67.708(b)(4).
- F. Medical information** — A record of an individual's medical, psychiatric or psychological history or disability status, enrollment in a healthcare program or a program designed for participation by persons with disabilities, including vocational rehabilitation, workers' compensation and unemployment compensation, or related information that would disclose individually identifiable health information. 65 P.S. Section 67.708(b)(5).
- G. Personal identification information** — A record containing all or part of a person's Social Security number, driver's license number; personal financial information; home, cellular or personal telephone numbers; personal e-mail addresses; employee number or other confidential personal identification number; a spouse's name; marital status; and beneficiary or dependent information. However, although the foregoing personal information is exempt from disclosure, "financial records" as defined in the Right-to-Know Law must be disclosed, including the name, position, salary, actual compensation or other payments or expenses, employment contract, employment-related contract and length of service of a public official or an employee. 65 P.S. Section 67.708(b)(6).
- H. Certain employee information** — The following records pertaining to an employee are exempt: (1) reference letters; (2) performance ratings or reviews; (3) state civil service test results; (4) employment applications of unsuccessful applicants; (5) workplace support services program information; (6) written criticisms of an employee; (7) grievance material, including documents related to discrimination or sexual harassment; (8) information regarding discipline, demotion or discharge contained in a personnel file (except that the record(s) pertaining to the final action or demotion or discharge are not

exempt); and (9) an academic transcript 65 P.S. Section 67.708(b)(7).

I. Labor relations, negotiations and arbitration - A record pertaining to strategy or negotiations relating to labor relations or collective bargaining and related arbitration proceedings (except the final or executed contract). 65 P.S. Section 67.708(b)(8). In the case of grievances and arbitration, the exemption applies to exhibits entered into evidence at an arbitration proceeding and a transcript of the arbitration or the opinion (except that the final award or order is not exempt). 65 P.S. Section 67.708(b)(8).

J. Draft ordinances and policies. - A draft of an ordinance, resolution, regulation, statement of policy, management directive or amendments thereto prepared by or for the Borough.

K. Predecisional drafts — Drafts of bills, policy, management directives, ordinances or amendments to any of the foregoing are exempt. 65 P.S. Section 67.708(b)(9).

L. Predecisional deliberations — A record that reflects the internal, predecisional deliberations of a municipality, employees or officials, including predecisional deliberations relating to budget recommendations, or contemplated or proposed policy or course of action or any research, memos or other documents used in the predecisional deliberations or the strategy to be used to develop or achieve the successful adoption of a budget. 65 P.S. Section 67.708(b)(10). However, the predecisional deliberations provision has a number of exceptions. The exceptions are as follows:

M. Documents distributed to a quorum for purposes of deliberation- If a record described above is not otherwise exempt and is "presented to a quorum for deliberation in accordance with 65 Pa. P.S. Ch. 7 {related to the Sunshine Act}, {it} shall be a public record." 65 P.S. Section 67.708(b)(10)(ii). This provision is peculiar and its meaning is not known. The concept of a document being "presented to a quorum for deliberation in accordance with" the Sunshine Act is new to the law. The Sunshine Act does not address documents being presented to a quorum for deliberation. One interpretation is that this exception from exemption applies only to those documents and materials that are distributed to the Council at a public meeting of the Council for purposes of deliberation. Another possible interpretation is that any document that is provided to at least a quorum at any time falls within the exception to the exemption once the Council deliberates on the issue. However, this interpretation would be unreasonable as it would effectively render the pre-decisional deliberation provision meaningless. It is suggested that this provision is to be interpreted in light of Section 708(b)(21) of the law that provides that records of discussion held in executive session are exempt from public disclosure under the Right-to-Know Law. In other words, those pre-decisional documents that are distributed to municipal governing bodies and that are used in deliberations permitted to take place in private can remain private and are not required to be disclosed under the Right-to-Know Law.

N. Certain applications - The pre-decisional deliberations exemption does not apply to applications or other documents submitted to request commonwealth funds. 65 P.S. Section 67.708(b)(10)(iii).

- O. Opinion surveys**- The pre-decisional deliberations exemption does not apply to the results of public opinion surveys, polls, focus groups, marketing research or similar effort designed to measure public opinion. 65 P.S. Section 67.7098(b)(10)(iv).
- P. Trade secrets and confidential proprietary information** — A record that constitutes or reveals a trade secret or confidential proprietary information is exempt from disclosure. 65 P. S. Section 67.708(b)(11).
- Q. Personal notes and working papers** — Notes and working papers prepared by or for a public official or agency employee used solely for that individual's personal use are exempt from disclosure. 65 P.S. Section 67.708(b)(12).
- R. Donor identity** — Records that would disclose the identity of an individual who lawfully makes a donation to an agency (including lists of potential donors compiled by an agency to pursue donations, donor profile information or personal identifying information pertaining to a donor) are exempt from disclosure, unless the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public office or employee of the agency. 65 P.S. Section 67.708(b)(13).
- S. Academic records** — Academic transcripts and examinations, examination questions, scoring keys and answers to examinations are not public records. 65 P.S. Section 67.708(b)(15).
- T. Criminal investigations** — Records relating to or resulting in a criminal investigation are exempt. This includes complaints of potential criminal conduct; investigative materials and notes, correspondence and videos; records that include the identity of a confidential source; and victim information. A record that includes information made confidential by law or court order and a record that, if disclosed, would reveal the institution, progress or result of a criminal investigation, except the filing of criminal charges; deprive a person of the right to a fair trial or an impartial adjudication; impair the ability to locate a defendant or codefendant; hinder an agency's ability to secure an arrest, prosecution or conviction; and endanger the life or physical safety of an individual. Nothing contained in this Paragraph T shall apply to information contained in a police blotter as defined in 18 Pa. C.S. Section 9102 (relating to definitions) and utilized or maintained by the police department or in a traffic report except as provided under 75 Pa.C.S. Section 3754(b) (relating to accident prevention investigations). DNA and RNA records shall also be exempt from the definition of public records. 65 P.S. Section 67.709(b)(16).
- U. Non-criminal investigations** — Records of an agency relating to a non-criminal investigation are exempt. This would include complaints; investigative materials and notes; a record that contains the identity of a confidential source; a record that includes information made confidential by law; work papers underlying an audit; a record that would review the institution, progress or result of any agency investigation, (except the imposition of a fine or civil penalty, the suspension, modification or revocation of a license, permit, registration, certification or similar authorization issued by an agency or an executed settlement agreement unless the agreement is determined to be confidential by a court); a record that would deprive a person of the right to an impartial adjudication; a record that

would constitute an unwarranted invasion of privacy; or any record that would hinder an agency's ability to secure an administrative or civil sanction or endanger the life or physical safety of an individual. 65 P.S. Section 67.708(b)(17).

V. Records of audio recordings. – Records or parts of records (except time response logs), pertaining to audio recordings, telephone or radio transmissions received by emergency dispatch personnel, including 911 recordings. This Paragraph V shall not apply to a 911 recording, or a transcript of a 911 recording, if the disclosure outweighs the interest in nondisclosure. 65 P.S. Section 67.708(b)(18)

W. Coroner Records. – Records relating to autopsies of a coroner or medical examiner and any audiotape of a postmortem examination or autopsy, or a copy, reproduction or facsimile of an autopsy report, a photograph, videotape, negative or print the body or any portion of the body of a deceased person at the scene of death or in the course of a postmortem examination or autopsy taken or made by or caused to be taken or made by the coroner or medical examiner. This exception shall not limit the reporting of the name of the deceased individual and the cause and manner of death.

X. Draft minutes — Draft minutes of any meeting of an agency are exempt until the next regularly scheduled meeting of the agency. 65 P.S. Section 67.708(b)(21)(i). However, minutes of an executive session and any record of discussion held in executive session are exempt. 65 P.S. Section 67.708(b)(21).

Y. Real estate appraisals and feasibility studies — The contents of real estate appraisals, engineering or feasibility estimates, environmental review, audits or evaluations made with respect to (1) leasing, acquiring or disposing of real property or an interest in real property; (2) the purchase of supplies or equipment included in a real estate transaction; or (3) a construction project are all exempt. However, this particular exemption does not apply once the decision is made to proceed with the lease or acquisition. 65 P.S. Section 67.708(b)(22). This language is unfortunate and confusing. First, the documents that are identified in this paragraph are documents that can be reviewed and deliberated upon in executive session and would remain exempt under Section 708(b)(21) of the law. Second, if these documents are not exempt under the executive session exemption, the "decision to proceed" may allow the other side to see these documents before the transaction is negotiated or completed. Such would contravene the legitimate interests of the public and would be an absurd result. The Statutory Construction Act provides that the General Assembly does not intend absurd results.

Z. Library records — Library and archive circulation and order records of an identifiable individual or group of individuals or library archived and museum materials, or valuable or rare book collections or documents contributed by give, grant or bequest, to the extent of any limitations imposed by the donor, are all exempt. Records identifying the location of an archeological site or an endangered or threatened plant or animal species if not already known to the general public are also exempt. 65 P.S. Paragraphs 67.708(b) (23-25).

AA. Pre-contract award documents — The following documents are exempt:

- 1.** A proposal pertaining to agency procurement or disposal of supplies, services or construction prior to the award of supplies, services or construction are exempt prior to the award of the contract or prior to the opening and rejection of all bids;

2. Financial information of a bidder or offerer requested in an invitation for bid or request for proposals to demonstrate the bidder's or offerer's economic capability;
3. The identity of members, notes and other records of agency proposal evaluation committees. 65 P. Section 67.708(b)(26).

BB. Insurance communications — A record or information relating to a communication between an agency and its insurance carrier, administrative service organization or risk management office is exempt. 65 P.S. Section 67.708(b)(27). However, this exemption does not apply to the actual contract or to financial records relating to the provision of insurance.

CC. Benefit eligibility. — A record or information : identifying an individual who applies for or receives social services; or relating to the type of social services received by an individual; an individual's application to receive social services, including a record or information related to an agency decision to grant, deny, reduce or restrict benefits, including a quasi-judicial decision of the agency and the identity of a caregiver or other who provide services to the individual or eligibility to receive social services including the individual's income, assets, physical or mental health, age, disability, family circumstances or record of abuse. 65 P.S. Section 67.708(b)(28).

DD. Minors — A record identifying the name, home address or date of birth of a child 17 years of age or younger is exempt. 65 P.S. Section 67.708(b)(30).

IV. GUIDELINES

- A.** The Borough shall make the Borough's public records available for inspection and duplication to any state resident, in accordance with Borough's policy and procedures, with the exception of records exempted by law.
- B.** The Borough exempts from public inspection any material whose disclosure would constitute an invasion of privacy, as permitted by the Act, unless the individual concerned, or the parent/guardian of a minor student, consents in writing to public disclosure of the materials.
- C.** The public may inspect and procure copies of the public records of the Borough during the regular business hours of the Borough offices.
- D.** 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.
- E.** The Borough is not required to create a public record that does not exist nor to compile, maintain, format or organize a public record in a manner different from that currently maintained by the Borough. If a public record is maintained only in an electronic format, the Borough shall duplicate the record on paper, upon request.
- F.** Information shall be made available to individuals with disabilities in an appropriate format, upon request and with sufficient advance notice.
- G.** No public record shall be removed from the control or supervision of the designated official.
- H.** If it is determined that a public record contains information subject to access as well as information which is not subject to access, the Borough will grant access only to the

information subject to access and deny access to information not subject to access. The information, which the Borough redacts in accordance with this subsection, shall be deemed a denial.

V. REQUEST FOR ACCESS

- A.** All requests for access to a public record shall be submitted in writing to the Open Records Officer on form substantially similar to the attached Exhibit "C". The Borough shall also accept any form for a request that is established by the Commonwealth's Office of Open Records.
- B.** Each request must include the following information:
 1. Identification 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 Borough's response.

VI. RESPONSE TO REQUEST

- A.** The Open Records Officer shall review the request and respond promptly, within five (5) business days of receiving the written request. If the Borough fails to respond to a request within five (5) business days of the written request, the request for access shall be deemed denied.
- B.** If the Borough determines that the request will be granted, a response shall be sent within five (5) business days. The response shall include the regular business hours of the Borough office, the medium in which the record is provided, and the assessed fees.
- C.** If the Borough determines that more than five (5) business days are required to respond to the request, in accordance with the exceptions stated in law, notice shall be sent indicating that the request is being reviewed, the reason for the review, and a date when the response will be provided. This may be the result of the following:
 1. The request for access requires a redaction of a public record.
 2. The request for access requires the retrieval of a record stored in a remote location.-
 3. A timely request cannot be made because of specified staffing limitations, e.g., over a holiday time or vacation time period.
 4. A legal review is necessary to determine whether the record is subject to access as per applicable law.
 5. The requester has not complied with the Borough's policy regarding access to

public records.

6. The requester refuses to pay applicable fees.

VII. DENIAL OF REQUEST

A. If the Borough denies a request for access to a public record, a response shall be sent within five (5) business days of receiving the request. The response denying the request shall include the following:

1. Description of the record requested.
2. Specific reasons for denial, including a citation of supporting authority.
3. Name, title, business address and telephone number, and signature of the employee who denied the request.
4. Date of the response.
5. Procedure to appeal denial of access.

B. The Borough shall not deny access to a public record based on the intended use by the requester.

VIII. APPEAL OF DENIAL

A. If a request for access to a public record is denied or deemed denied, the requester may file a written appeal within fifteen (15) business days of the mailing date of the response or a deemed denial to the Commonwealth's Office of Open Records pursuant to the Appeals Procedure attached hereto as Exhibit "A" and incorporated herein by this reference.

B. Upon receipt of the appeal, the Appeals Officer shall make a final determination as to whether or not the appeal is approved or denied and shall notify the requester as to whether the appeal is granted or denied, according to law. If the appeal is approved, the record shall be released as per Section VI. If the request is denied, the requester shall be informed of this denial and may file a judicial appeal as outlined in said Exhibit "A" attached hereto..

IX. FEES

Duplicates of public records shall be provided by the Borough upon payment of applicable fees, as set forth in Exhibit "B" attached hereto and incorporated herein. In the event the Commonwealth of Pennsylvania sets a uniform fee schedule, the same shall automatically replace those fees set forth in the attached Exhibit "B".

A. A list of fees that may apply shall be provided to each requester, posted in the Borough office, and be available electronically on the Borough's web site.

- B.** The Borough shall not assess any fees for staff time or resources used to evaluate a request for access to public records.
- C.** The Borough may require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed \$100.

X. RETENTION OF RECORDS

Nothing contained in this policy shall be construed to modify, rescind or supersede any record retention policy or disposition schedule of the Borough which was established pursuant to law, regulation, policy or other directive. The Borough has adopted the public records retention policy set forth by the Commonwealth of Pennsylvania.

EXHIBIT "A"
ADMINISTRATIVE APPEAL PROCEDURES AS PER ACT 3, 2008

If a written request for access to a record is denied or deemed denied by a municipality, the requester may file an appeal.

1 **A** **Appeal agency — Office of Open Records**

The appeal is to be filed with the Office of Open Records, DCED, 400 North Street, Fourth Floor, Commonwealth Keystone Building, Harrisburg, PA 171200225. 65 P.S. Section 67.1101(a)(1).

B. **Time for appeal**

The appeal must be filed by the requester within 15 business days of the mailing date of the municipality's response or within 15 business days of the deemed denial 65 P.S. Section 67.1101(a)(1).

C **Contents of appeal**

The requester must state in the appeal the grounds upon which the requester asserts that the record is a public record and must address any grounds stated by the agency for delaying or denying the request. 65 P.S. Section 67.1101(a)(1).

D. **Assignment of appeals officer**

Upon receipt of the appeal, the Office of Open Records will assign an appeals officer to review the denial 65 P.S. Section 67.1101(a)(2).

E **Intervention**

A person other than the requester or the municipality can seek to intervene if the person has a "direct interest" in the matter.

1. The request to intervene must be filed within 15 days following receipt of actual knowledge of the appeal, but no later than the date the appeals officer issues an order.
2. Copies of the request must be sent to the requester and the municipal entity.
3. The intervener must request to provide information or to appear before the appeals officer or to file information supporting the position of either party.
4. The appeals officer may grant the request if no hearing has been held, no decision has been issued and the appeals officer believes that the information will be probative. 65 P.S. Section 67.1101(c).

F. **Appeal procedure**

The appeals officer must establish a schedule for the requester and the municipal entity to submit documents in support of their positions. The appeals officer then is required to review all information filed and may hold a hearing. The Office of Open Records may adopt procedures governing the appeals. 65 P.S. Section 67.1102(a-b).

G. Discretionary hearing

The appeals officer may conduct a hearing or decide the matter on the basis of the material submitted to the appeals officer. 65 P.S. Section 67.1101(b)(3). The decision whether to hold a hearing is not appealable. 65 P.S. Section 67.1102(a)(2): If a hearing is held, the Administrative Code, 1 Pa. Code, Part II, will apply unless the Office of Open Records has adopted other procedures. 65 P.S. Section 67.1102(b).

H. Time limits for decision

The appeals officer has 30 days to make a decision, unless the requester agrees to a longer time for the decision. 65 P.S. Section 67.1101(b)(1). If the appeals officer fails to issue a decision within 30 days, the appeal will be deemed denied. 65 P.S. Section 67.1101(b)(2).

I. Contents of decision

The hearing officer's decision must contain a written explanation of the reason for the decision to both the requester and the municipal entity. 65 P.S. Section 67.1101(b)(3).

II. Judicial appeal

A. Appeal to the Court of Common Pleas, 65 P.S. Chapter 13

1. Time for appeal

The appeal must be filed within 30 days of the mailing date of the final determination of the appeals officer or of the date a request for access is deemed denied by the appeals officer 65 P.S. Section 67.1302(a).

2. Stay

The filing of such an appeal operates to stay the release of documents until a decision by the court of common pleas is issued. 65 P.S. Section 67.1302(b).

3. Notice of appeal

When an appeal is filed to the court of common pleas, all parties, the appeals officer and the Office of Open Records must be served notice of the appeal and be provided with an opportunity to respond to the appeal. 65 P.S. Section 67.1303(a).

4. Record on appeal

The record before the court will consist of the request, the agency's response, the appeal, the hearing transcript, if any, and the final written determination of the appeals officer. 65 P.S. Section 67.1303(b).

B. Appeal to the Commonwealth Court and/or to the Pennsylvania Supreme Court

Although the Right-to-Know Law does not address appeals beyond the level of the Court of Common Pleas, it is presumed that further appeals can be filed

in accordance with the ordinary rules of court. In that regard, an appeal to the Commonwealth Court by a municipal entity generally triggers an automatic supersedes under Pa. R.A.P. 1732.

III. Sanctions, penalties and attorneys' fees

A. Award of attorneys' fees and costs.

The court may award attorneys' fees and costs to a requester if the court finds: (1) the municipal entity willfully or with wanton disregard deprived the requester access to a public record that is subject to access or otherwise acted in bad faith under the Right-to-Know Law; or (2) the exemptions, exclusions or defenses asserted by the municipal entity were not based on a reasonable interpretation of law. 65 P.S. Section 67.1304(a). The court also may award attorney fees and costs to the municipal entity if it finds that the appeal by the requester was frivolous. 65 P.S. Section 67.1304(b).

B. Sanctions

1. Bad faith denial

A court may impose a civil penalty of not more than \$1,500 if a municipal entity denied access to a public record in bad faith. 65 P.S. Section 67.1305(a).

2. Failure to comply with court order

A municipal entity or a public official who does not comply promptly with a court order under the Right-to-Know Law is subject to a civil penalty of not more than \$500 per day until the public record is provided.

EXHIBIT "B"
FEE SCHEDULE TO OBTAIN COPIES OF RECORDS

1. Print Format: One (\$1.00) Dollar for the first page and Twenty-five (25) cents per page thereafter.
2. Print to Computerized Data Format: Thirty-five (35) Dollars Per Hour
3. Data Format: Twenty-five (25) Dollars Up to 750M.