

PUBLIC INFORMATION POLICY

Pursuant to the Pennsylvania Right-to-Know Law, the Lancaster County Solid Waste Management Authority (LCSWMA) has adopted the following policies governing citizen access to public records:

GENERAL:

LCSWMA shall respond in a timely and lawful manner to all requests from the media and the public for information relating to the activities of LCSWMA.

The Executive Assistant is designated as LCSWMA's contact person for information and is the Open Records Officer. It is the responsibility of the Executive Assistant/Open Records Officer to respond to all media and community inquiries.

With the exception of the Chief Executive Officer (CEO), LCSWMA's staff will refrain from acting as spokespersons for LCSWMA unless deemed appropriate by the Chief Executive Officer. The Chief Executive Officer may assume the role of official spokesperson at any time.

REQUESTS FOR PUBLIC RECORDS:

LCSWMA shall make all public records of LCSWMA available for inspection and duplication by legal residents of the United States in compliance with the following procedures:

1. **DEFINITIONS:**

- (a) A record is information, regardless of physical form or characteristic, 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 LCSWMA. 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.
- (b) A financial record is any of the following:
 - (1) Any account, voucher or contract dealing with:
 - (i) the receipt or disbursement of funds by LCSWMA; or
 - (ii) LCSWMA 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 LCSWMA, 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.

- (c) A public record is a record, including a financial record, of LCSWMA that:
- (1) is not exempt under section 708 of the Right-to-Know Law attached as Schedule A;
 - (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.

2. WRITTEN REQUEST:

All requests for inspection or reproduction of public records in the possession of LCSWMA shall be made in writing and submitted in person, by mail, by facsimile, or any other electronic means to the attention of LCSWMA's Open Records Officer:

Tessa Barnett, Open Records Officer
Lancaster County Solid Waste Management Authority
1299 Harrisburg Pike, Lancaster, PA 17603
Tel: (717) 397-9968 | Fax: (717) 397-9973
Email: legal@lcswma.org

The written request shall describe the public record with sufficient specificity to enable LCSWMA's staff to locate the record with a reasonable amount of effort and shall indicate whether an inspection or reproduction is desired. The request shall also identify the form in which the records are being requested and the name and address of the person to whom a response should be addressed.

A LCSWMA Request for Information form or the form provided by the Office of Open Records is available for written requests and one or both shall be included. LCSWMA shall not accept verbal or anonymous requests, but all written requests will be forwarded to the Open Records Officer.

LCSWMA will not release records that are excepted from release under Section 708 of the Right-to-Know Law unless the Chief Executive Officer, in consultation with the Open Records Officer, decides to release them in accordance with Section 506 of the Right-to-Know Law. LCSWMA will deny access to a requester if the requester has made repeated requests for that same record and the repeated requests have placed an unreasonable burden on LCSWMA, or if the requests are otherwise disruptive (as defined by Section 506 of the Right-to-Know Law), or if timely access is not possible due to fire, flood or other disaster, or if the documents are historical, ancient or rare documents, records, archives and manuscripts when access may, in the professional judgment of the custodian of records, cause physical damage or irreparable harm to the record, or for any other reason allowed under Section 506 of the Right-to-Know Law.

RESPONSE TO WRITTEN REQUEST:

The Open Records Officer or a designee shall respond to the request within five (5) days, according to the following guidelines:

- (a) Upon receiving a request for a public record, the Open Records Officer shall note the date of receipt on the letter, compute and note on the request the day when the response is due and maintain a written and/or electronic copy of the request until it is filled and/or the denial/appeals process is final.
- (b) Unless the Open Records Officer determines that the record is not a public record, access shall be provided as required by law.
- (c) If the Open Records Officer or a designee does not send a response to the request within five (5) business days, the request shall be deemed denied.
- (d) If the Open Records Officer or a designee determines that more than five (5) days is required to evaluate and respond to the request (in accordance with Section 902 of the Right-to-Know Law), then a request shall be sent to the requestor, indicating that the request is being reviewed, the reason for the review and a date when a response will be provided; any response time exceeding thirty (30) days from the date of LCSWMA's response shall seek approval of the extension by the requester.
- (e) If the Open Records Officer or a designee determines that the request should be denied, then a response shall be sent describing the record requested and explaining the specific reasons for the denial including the specific legal authority relied upon, the name, title, address, telephone number and signature of the Open Records Officer, the date of the denial and the procedure for appealing the denial.
- (f) Any document produced which is not a public record or which involves trade secrets will be produced and any third party that provided the record to LCSWMA, the person that is the subject of the records, and requester, notified in accordance with Section 707 of the Right-to-Know Law as described in the attached "Access to Public Records Notice."
- (g) Any and all records which contain information subject to access and information not subject to access shall only be released with the information subject to access and/or shall be redacted in accordance with law.

APPEALING THE DENIAL OF A WRITTEN REQUEST:

If a request for inspection and/or duplication of LCSWMA public records is denied or deemed denied, the requestor may file a written exception within fifteen (15) business days. The requestor may appeal to the Office of Open Records in accordance with Section 1101 of the Right-to-Know Law by filing an appeal with the designated appeals officer within fifteen (15) business days of the mailing date or within fifteen (15) business days of the deemed denial. A copy of Sections 1101-1102 as included in the attached "Access to Public Records Notice" shall be provided by LCSWMA with each written denial.

INSPECTION AND DUPLICATION OF PUBLIC RECORDS:

If a request for inspection and duplication of LCSWMA public records is granted pursuant to this policy, the Open Records Officer or a designee will inform the requestor of a time during LCSWMA's normal business hours for the inspection of the public records (LCSWMA's normal business hours are 8:00 A.M. to 4:30 P.M., Monday through Friday, excluding holidays). If duplicates of the public records are requested, the duplicates shall be provided upon payment of the following fees, if applicable:

BLACK & WHITE COPIES: \$0.25 per page

A photocopy is either a single-sided copy, or one side of a double-sided, on 8.5" x 11" or 8.5" x 14" paper.

COLOR COPIES: \$0.50 per page

A photocopy either a single-sided copy, or one side of a double-sided copy, on 8.5"x11" or 8.5"x14" paper.

SPECIALIZED DOCUMENTS: Actual Cost

For example, but not limited to blue prints, color copies, non-standard sized documents.

CD/DVD: Actual Cost (not to exceed \$3.00 per disc)

FACSIMILE/MICROFICHE/OTHER MEDIA: Actual Cost

CONVERSION TO PAPER:

If a record is only maintained electronically or in other non-paper media, duplication fees shall be limited to the lesser of the fee for duplication on paper or the fee for duplication in the original media unless the requester specifically requests for the record to be duplicated in the more expensive medium.

POSTAGE FEES: Actual Cost

REDACTION FEE:

No Redaction Fee may or will be imposed.

No fees shall be assessed for staff time and resources required to evaluate written requests for access to LCSWMA public records or for redaction. Consistent with the Right-to-Know Law, the Open Records Officer or a designee shall maintain the above list of applicable fees for costs associated with the duplication of LCSWMA public records, consistent with prevailing rates set by the Office of Open Records.

No LCSWMA public record shall be removed from the supervision or control of LCSWMA's custodian of public records.



LCSWMA shall post this policy, along with the name and address of the person to whom requests for access to public records should be addressed (the Open Records Officer) and a list of applicable fees, the forms to be used and contact information for the Office of Open Records and LCSWMA's designated Appeals Officer, in a conspicuous location at LCSWMA's administrative office and online. Costs must be paid at the time of receipt of reproduced public records.

The Open Records Officer or a designee shall develop any other procedures necessary to implement this policy.

Written documents and/or complex and extensive data sets, which are public records (such as the Lancaster County Municipal Waste Management Plan), or other lengthy documents such as studies or operational reports shall be made available to the public by means of the following:

- The public will be told where to obtain the information if it is available at a municipal office, regulatory office, or the library system.
- The public will be invited to review LCSWMA's copy of the document at the LCSWMA office during LCSWMA's normal business hours.
- The public will be invited to purchase the document if there is an established cost for a bound copy (i.e. \$25.00 is the cost of a Lancaster County Municipal Waste Management Plan).
- The public will be invited to pay the cost of reproducing a document in accordance with the above fees if they do not wish to obtain the document via channels which are cost-free.

LCSWMA shall make its newsletters, pamphlets, brochures, resource guides, annual reports, fact sheets, and other general educational materials available to the public at no charge. LCSWMA will provide these same documents in alternate format when requested, so as to make these documents accessible to people with special needs.

Any records provided pursuant to the Right-to-Know Law which are not picked up within sixty (60) days of LCSWMA's making them available and notifying the requester shall be discarded and any fees paid to that point retained.

REQUESTS AT PUBLIC MEETINGS:

The forum for addressing LCSWMA's Board of Directors shall be during the public comment period of LCSWMA's regular monthly meeting. The regular monthly meeting is normally held at 7:30 a.m. on the third Friday of each month (or at such other times as may be established by LCSWMA) at LCSWMA's Office located at 1299 Harrisburg Pike, Lancaster, PA 17603.

LCSWMA will, in a timely manner, publicize the time, date and location of all public hearings or meetings required for any reason under the laws of the State.

Requests for information, which occur during a LCSWMA public meeting (or in any other public format), will be handled in the following manner:

- A LCSWMA Request for Information form or form from the Office of Open Records will be given to the individual requesting the information. The individual will be asked to complete the form including his or her name, address and phone number and a list of the information requested. The Open Records Officer will then respond in writing in accordance with this policy or will inform the individual as to the appropriate resource for obtaining the information.

REQUESTS FROM THE MEDIA:

All inquiries from the media, regardless of the topic, shall first be directed to the Communications Manager. In the event the Communications Manager is unavailable or unable to respond to the media within a reasonable time frame, LCSWMA's Chief Executive Officer or his designate shall respond to inquiries.

All written materials provided to the media shall be reviewed by the Communications Manager, the Chief Executive Officer and/or the appropriate staff; any response under the Right-to-Know Law shall comply with the mandates of the Right-to-Know Law.

REQUESTS FROM LITIGANTS:

Requests for information, tours, materials, or other resources from individuals in litigation with LCSWMA shall be referred through the established legal channels unless counsel to LCSWMA deems otherwise, or LCSWMA finds it in its best interests to provide the information directly.

TOURS:

Tours of LCSWMA facilities are available to the public and businesses at designated times throughout the year. Tours must be scheduled by appointment. A minimum two-week lead time is required. All safety regulations must be followed by participants and will be enforced by the tour leader. Tours and special events offered to the public will be made accessible to people with special needs. People with special needs are asked to contact LCSWMA prior to the tour to request specific accommodations.

USE OF CAMERAS AND RECORDING DEVICES:

Photographing, tape recording or videotaping LCSWMA's facilities, properties, employees or other circumstances will be considered only upon request. Operational procedures, safety regulations, personnel policies or equipment designated as proprietary in design may preclude LCSWMA's ability to grant photographic or videotape access at a particular facility or to a particular area.