



OFFICE OF THE MAYOR

Sherry L. Capello, Mayor

CITY OF LEBANON **RIGHT-TO-KNOW POLICY**

Pursuant to Section 504 of the Pennsylvania Right to Know Law (“RTKL”), 65 P.S. §67.101, City of Lebanon has adopted the following policies and procedures governing citizens access to City of Lebanon public records:

Section 1. Open Records Officer

- City of Lebanon hereby designates Cheryl Gibson, City Clerk, as the City Open Records Officer and, from time to time, may designate an Assistant Open Records Officer. The City will publicly post contact information for the Open Records Officer and Assistant Open Records Officer, if any, on its website.
- The Open Records Officer can be reached at Open Records Officer, City Hall, 735 Cumberland Street, Lebanon, PA 17042; phone # 717-639-2800, Option 5; Fax # 717-639-2802; email address: openrecords@lebanonpa.org

Section 2. General

- All documents deemed public records shall be available for inspection, retrieval and duplication in accordance with the RTKL and this Right-To-Know Policy. Inspection and retrieval of documents deemed public records may be obtained at the Municipal Building during established business hours (8:30 a.m. to 4:30 p.m.) with the exception of weekends and holidays and in accordance with this policy.

Section 3. Requests

- **Written Request:** Requests for inspection, retrieval and duplication of City of Lebanon public records must be submitted in writing to the City Open Records Officer on a form provided by the City or by the Pennsylvania Office of Open Records. Request forms will be accepted when submitted in-person, via e-mail, and/or via facsimile.
- The request must identify on the request form and in reasonable detail the record or records sought and the form in which the records are being requested. The request must also include the name and address of the person to whom a response should be addressed.

Section 4. Response

- The Open Records Officer shall review all written requests for access to public records. As soon as possible, but no later than five (5) business days after receiving a written request to access public records, the Open Records Officer shall respond to such request in writing consistent with the RTKL.



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- Responses to public records requests will be handled under the following guidelines:
 - a. Deemed Denial: If the Open Records Officer does not send a response to the request within five (5) business days of its receipt, the request shall be deemed denied.
 - b. Extension: If the Open Records Officer determines that more than five (5) days is required to evaluate and respond to the request, pursuant to Section 902 of the RTKL, then a notice shall be sent indicating that the request is being reviewed, the reason for the review, and a date by when a response will be provided. The extension date shall not exceed thirty (30) days from the date of the extension notice unless the Requester consents to an extension beyond the thirty (30) days.
 - c. Denial: If the Open Records Officer determines that the request should be denied, then a response shall be sent describing the record requested, explaining the reasons for the denial, and setting forth the procedure for appealing the denial.
 - d. Grant: If the Open Records Officer determines that the request should be granted, then a response shall be sent indicating when, during City of Lebanon's regular business hours, the records may be inspected, or if duplication was requested, the fees that were assessed to cover the cost of duplication and, depending on delivery method, the cost of mailing if the requester elects not to pick up the records in person. If the estimated fees associated with the request exceed \$100, City of Lebanon may require prepayment of the fees before granting the request.
 - e. Disruptive requests: The Open Records Officer may deny a requester access to a record if the requester has made repeated requests for that same record and the repeated requests have placed an unreasonable burden on the City.
 - f. Disaster or Potential Damage: The Open Records Officer may deny a requester access to records when:
 - (1) timely access is not possible due to fire, flood or other disaster; or
 - (2) historical, ancient or rare documents, records, archives and manuscripts when accessed may, in the professional judgment of the curator or Open Records Officer, cause physical damage or irreparable harm to the record. However, to the extent possible, the contents of a record under this section shall be made accessible to a requester even when the record is physically unavailable.
 - g. City Discretion: The City may exercise its discretion to make any otherwise exempt record accessible for inspection and copying, if disclosure of the record is not prohibited by law, regulation or court order, the record is not protected by a privilege, and the Open Records Officer determines that the public interest favors access.

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- h. Trade Secrets and/or Confidential Proprietary Information: If a third party provided the record and included a written statement signed by a representative of the third party that the record contains a trade secret or confidential proprietary information:
- (1) The Open Records Officer will provide notice in writing to the third-party within five (5) business days.
 - (2) The third-party shall have five (5) business days from the date it receives notification from City of Lebanon to provide input on the release of the record.
 - (3) Within ten (10) business days from the date the City provided notice to the third-party, the Open Records Officer shall either release the record or deny release of the record to the requester in accordance with the procedures provided in the RTKL for issuing a denial.
- i. Inspection and Duplication of Public Records: If a request for inspection of City of Lebanon public records is granted pursuant to this policy, the Open Records Officer will inform the requester of a time during City of Lebanon's normal business hours for the inspection of the public records. If duplicates of the public records are requested, the duplicates shall be provided upon payment in accordance with this policy and related City fee schedule.

Section 5. Fees

- Standard Charges:
 - Black and White paper copies: 25¢ per page, per side.
 - Color paper copies: 35¢ per page, per side.
 - Specialized documents including, but not limited to, blue prints and non-standard sized documents: actual cost of production.
 - CD/DVD: actual cost of production (up to \$3.00/disc)
 - Flash Drive/Other Media: actual cost of production.
 - Certified Records: \$5.00 per record set.
 - Mailing: the cost of USPS first-class postage.
- Pre-Payment of Charges:
 - Prior to granting a RTKL request, the City may require prepayment if the total fees are estimated to exceed \$100.00.

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Section 6. Contact Information for Appeals

- If a written request is denied or deemed denied, the requester may file an appeal in writing within 15 business days of the mailing date of the City's response or within 15 business days of a deemed denial. Appeals shall be filed with the Executive Director, Office of Open Records, Commonwealth Keystone Building, 333 Market Street, 16th Floor, Harrisburg, PA 17101-2234.

Approved by: 
Sherry L. Capello, Mayor

Date: 12/4/23