

FRANKLIN INDUSTRIAL AND COMMERCIAL DEVELOPMENT AUTHORITY
RIGHT TO KNOW REQUESTS

Please read carefully. Complete the attached form and retain a copy of both pages; this copy may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied. Learn about the Right to Know Law (RTKL) at <https://www.openrecords.pa.gov>. In most cases, a completed RTKL request form is a public record. All Right to Know requests must be submitted to the Open Records Officer (ORO) of FICDA:

Amanda Power, 191 Howard Street, Franklin, PA 16323 | (814) – 432 – 4476 | apower@franklinpa.gov

In completing the right to know request form, only physical addresses are acceptable, not Post Office boxes. The Authority reserves the right to deny access to records if a requester's physical address is omitted. There are three ways to request a public record from the Authority: by mail, by email, in person. Requests may be verbal or written. However, if a verbal request is denied by the Authority, there is no right of appeal. The Right to Know Law does not require the Authority to accept requests made by telephone, and the Authority will refuse to accept requests made by telephone.

In order to meet the requirements of the Right to Know Law, the request must:

- Identify the records requested with sufficient specificity to enable the Authority to ascertain which records are being requested;
- Include the name of the requester;
- Include the address to which the Authority should direct its response.

The request need not state the reason that the records are being requested. The Authority may deny "disruptive requests," which occur when a requester repeatedly requests the same record. However, the requester is not precluded from requesting a different record.

The time period for the Authority's response will begin to run as of the documented receipt of the request by the ORO. Requests received after 4:30 p.m. shall be deemed to be received on the next business day. Upon receipt of a request by the ORO, the Authority will make a good faith effort to determine whether the record requested is a public record, and whether the Authority has custody of the record. The Authority will respond as rapidly as possible under the circumstances existing at the time of the request. However, the Authority will respond within five business days of the initial request. A "business day" shall be any weekday (Monday through Friday) except for official holiday closings or closings due to weather or natural disasters or due to the request of authorized public safety officials. Failure to respond within five business days will constitute a deemed denial of the request. The law does not require that the requester receive the Authority's response on the fifth business day. The Authority meets its obligations by mailing the response on the fifth business day. The Authority will respond to each request in one of three ways:

- The Authority will grant the request in its entirety;
- The Authority will deny the request;
- The Authority will partially grant and partially deny the request.

There are circumstances set forth in the RTKL under which the Authority can take additional time to process a right to know request. The Authority is required to notify the requester in the "five day" letter which of these circumstances apply:

- The record must be redacted;
- The record must be retrieved from a remote location;
- A timely response is not possible due to bona fide and specified staffing limitations;

- A legal review is necessary to determine whether the record is a public record;
- The requester has not complied with the Authority's policies regarding access to records;
- The requester refuses to pay applicable fees;
- The extent or nature of the request precludes a response within the required time period.

If the Authority requires additional time to process a right to know request, it must nevertheless make its initial response within the five business day period. The letter will indicate which of the reasons justify the additional time, and will project a target date by which the records will be made available. The Authority cannot take more than thirty additional days without the written consent of the requester. If such permission is not granted and the Authority takes more than thirty days from the expiration of the five business day period, the request will be deemed denied on the thirty-first day.

If the Authority denies a request for information (in whole or in part), it will issue a denial letter which will include:

- A description of the record being requested;
- The specific reasons for the denial, including a citation of supporting legal authority;
- The name, contact information, and signature of the Open Records Officer;
- The date of the request;
- The procedure to appeal the denial of the request.

The Authority may charge reasonable fees for copying as well as its actual costs for postage in fulfilling a Right to Know request. If copying fees do not exceed \$5.00, the copies and postage will be provided free of charge as a courtesy of the Authority. If copying fees exceed \$5.00, the fees and postage must be pre-paid before the records will be provided. The fee can be paid by check or money order payable to "FICDA" and delivered to 191 Howard Street, Franklin, PA 16323. If the fees associated with a right to know request are anticipated to be greater than \$100.00, a deposit must be paid in advance before the Authority is obligated to compile the records. The Authority is not obligated to forward records if there is a balance due for copy costs in a previous request.

If a request for information is denied or deemed denied by the Authority, the requester may appeal the decision to the Pennsylvania Office of Open Records:

Executive Director
Office of Open Records
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120

The appeal must be made within fifteen business days of the Authority's denial or deemed denial, and must set forth the grounds on which the requester believes that the record is a public record, and the grounds for the denial by the Authority. The Pennsylvania Office of Open Records will assign an appeals officer to the case, and the appeals officer will issue a decision within thirty days of the receipt of the appeal.

The Authority retains the discretion and authority to adopt any other written policies that are consistent with the Right to Know Law. Amendments to this policy will take effect upon publication on the Authority's website.

FRANKLIN INDUSTRIAL AND COMMERCIAL DEVELOPMENT AUTHORITY
RIGHT TO KNOW REQUEST FORM

Submit completed request to Amanda Power, FICDA Open Records Officer, 191 Howard Street, Franklin, PA 16323
or via email: apower@franklinpa.gov.

Date Request Submitted: _____ Submitted via: Email U.S. Mail In Person

PERSON MAKING REQUEST:

Full Name: _____

Company (if applicable): _____

Please send response via: Email U.S. Mail

If you wish to obtain records that only exist in hard copy, or must be provided on an electronic storage device, you may be required to provide a mailing address to the agency. See Section 703.

Email: _____ Telephone: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

How do you prefer to be contacted if the Authority has questions? Telephone Email U.S. Mail

By checking this box, I affirm that my full name and contact information is true and correct, and that I am a legal resident of the United States. I understand that failure to check this box may result in the denial of my request and the dismissal of any appeal filed with the Office of Open Records.

DO YOU WANT COPIES? Yes, printed Yes, electronic No, in-person inspection

Records shall be provided in the medium requested if they exist in that medium; otherwise, they shall be provided in the medium in which they exist. See Section 701. Your request may require payment or prepayment of fees.

I understand that my request may incur fees.

Notify me before further processing if fees will be more than \$100 (or) \$ _____.

Do you want certified copies? Yes (may be subject to additional costs) No

Form continues on page 2. Retain a copy of both pages.

