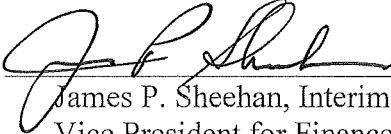



EDINBORO UNIVERSITY OF PENNSYLVANIA

OPEN RECORDS - Policy No. C054

Supersedes Policy No. C054 dated 4/9/10

Recommended for Approval by: 
James P. Sheehan, Interim
Vice President for Finance and Administration

Approved by: 
Michael J. Hannan, Ph.D.
Interim President

11-26-2018
DATE

Review Date: As Required

INTENT

Edinboro University of Pennsylvania complies with Pennsylvania's Right to Know Law, Act 3 of 2008. The legislation is also commonly referred to as "Pennsylvania's Open Records Law."

POLICY

The purpose of the law is to ensure transparency in governmental operations by making readily available Commonwealth records.

All requests must be made to the Open Records Officer or, in his or her absence, to the Alternate Open Records Officer.

DEFINITIONS

Business day means any Monday, Tuesday, Wednesday, Thursday, or Friday, except those days when the University's offices are closed all day due to a state holiday, severe weather (such as a blizzard or ice storm), natural or other disaster, or a request or direction of a local, state, or federal law enforcement agency or official.

PASSHE is the acronym for the Pennsylvania State System of Higher Education.

Redaction means the removal of non-public information within a document while retaining the information that is subject to public disclosure.

Regular business hours begin at 8:00 a.m. and end at 4:30 p.m. during the academic year and 8:00 a.m. to 4:00 p.m. during the summer.

PROCESS

All requests for official public records of Edinboro University of Pennsylvania must follow the process outlined in this section.

1. Requests for access to records are accepted by email, U.S. mail, fax, or in person.
2. The requester may use the Open Records Request Form provided below.

3. If the requester chooses not to use the form, the following information should be provided in the request to ensure a timely and complete response: Date Requested, Requester Name, Street Address, City/State/County (required); telephone or cell number (optional) and e-mail address if the information is to be provided electronically.
4. The requester should provide as much specific detail as possible in order for Edinboro University to identify the information requested.
5. The requester should inform the Open Records Officer of the number of copies requested, whether inspection of records in lieu of copies is requested, or whether certified copies of records are requested.
6. The requester must pay applicable duplication fees prior to release of the records. There are no fees if the requester wishes to inspect records in lieu of requesting copies or if the information is to be provided electronically, however there will be a charge for the disc wherein the material is electronically stored.
7. If, after notification of the availability of the records at the office of the Open Records Officer (Vice President for Finance and Administration) or the office of Human Resources and Faculty Relations, the requester fails to retrieve the records within sixty (60) calendar days of the University's notification, the University will dispose of the documents and retain the applicable fees.

The Open Records Officer may ask the requester for more specificity as to the nature of the documents requested but cannot ask or require the requester to reveal the purpose of the request.

DUTY TO PROVIDE A PROMPT RESPONSE TO AN OPEN RECORDS REQUEST

Upon receipt of a request, Edinboro University will make a good faith effort to determine if the requested record is a public record and to respond as promptly as possible under the circumstances existing at the time of the request, but in conformity with the Act's schedule outlined below.

TIME FRAMES

Edinboro University must respond within five (5) business days once the request is received by the Open Records Officer or the Alternate Open Records Officer. For purposes of determining the end of the 5-business day period, the day that a request is received (or deemed to be received) is not counted; the first day of the 5-business day period is the University's next business day. The University's Office hours on a business day are 8:00 a.m. to 4:30 p.m. during the academic year and 8:00 a.m. to 4:00 p.m. during break periods or summer.

The University can request an extension of time of up to thirty (30) calendar days in addition to the five (5) business days if the following applies:

1. The request requires redaction.
2. The request requires retrieval of records from a remote location.
3. Response cannot be completed due to bona fide staffing issue.
4. Legal review is required to determine if the record is subject to access.
5. The requester has not complied with the University's procedure regarding access to the records.
6. The requester refuses to pay applicable duplication fees.
7. The extent or nature of the request precludes response within the required time period.

Edinboro University will inform the requester of receipt of the request, including the date the request was deemed received.

If a request is delivered to someone other than the Open Records Officer, it shall be forwarded to the Open Records Officer in a reasonable time. The 5-business day period for a response to the request begins once the designated Open Records Officer receives the request.

INITIAL REVIEW BY THE OPEN RECORDS OFFICER

Upon receiving an open records request, the Open Records Officer shall promptly review it. The purpose of this review is to determine the following:

1. Whether the request possesses an obvious defect that permits it to be rejected without further consideration. Such defects include the following:
 - a. The documents sought by the requestor are not identified with sufficient particularity.
 - b. The identified records unquestionably fall outside the Act's definition of "public records."
 - c. The identified records unquestionably fall within one of the Act's statutory exemptions.
 - d. The Open Records Officer has personal knowledge that the identified records do not exist.
 - e. The Open Records Officer has personal knowledge that the identified records are not in the possession or control of the University.
 - f. Whether the request can be granted without further consideration.
 - g. Whether the request implicates a right protected by the Pennsylvania or United States Constitution, including but not limited to, the constitutional right of privacy.
2. In conducting this initial review, the Open Records Officer may contact (or attempt to contact) the requester in order to obtain clarification or additional information.
3. If the Open Records Officer determines that the request should be refused for any of the grounds set forth in (1) above, s/he shall immediately draft a proposed denial letter that sets forth each and every ground that s/he believes is a proper ground for refusal.

RESPONSES, IN GENERAL

1. The act of providing a requester with physical access to a document in the offices of the University is a "response" for purposes of the Pennsylvania Open Records Law.
2. The record will be provided, whenever available, in the medium requested by the requester (i.e., an electronic file if the information is already available in this form). A record does not have to be converted to a media other than that in which it is maintained.
3. The requester may either view original records by making an appointment during regular business hours with the Open Records Officer, or may request written copies, which will be provided for a fee as established by the Pennsylvania Office of Open Records. The fee can be waived at the discretion of the Open Records Officer.
4. The University will not create a public record that does not already exist, nor will it compile, maintain, format, or organize a public record in a manner in which the agency does not currently do so.

TYPES OF RESPONSES

1. Upon review by the Open Records Officer, the University may respond in writing to request by granting the request, partially granting and partially denying the request, or by denying the request.
 - a) The request is granted in its entirety.
A written request for a record will be granted if the record requested is within the statutory definition of a "public record." Written responses granting requests may be provided in any

format (mail, facsimile, electronic mail, etc.) permitted by law.

b) The request is *partially granted and partially denied*.

A response that denies a request in part must list the entire specific reasons relied upon for denying that portion of the request.

c) The request is *denied in its entirety*.

A written request for access to, or a copy of, a record may be denied if any of the following circumstances exists:

- i. the requester has not identified any of the requested records with sufficient specificity
- ii. the record does not exist
- iii. the requester has not prepaid the duplicating fees of fulfilling the request
- iii. the record in question does not satisfy the Act's general definition of "public record"
- iv. the record in question falls within one or more of the Act's statutory exceptions to the definition of "public record"
- v. the request constitutes a disruptive request pursuant to the Act or the request is not able to be granted due to disaster or potential damage pursuant to the Act

2. Written responses that deny or partially deny a request must contain a notice informing the requester of his or her right to file an appeal with the Pennsylvania Office of Open Records. A written response that denies a request, either in whole or in part, also must contain the following information:

- a) The name, title, business address, business telephone number and signature of the public official or employee on whose authority the denial is issued.
- b) The words "Mailing Date" followed by the date that is the mailing date of the response.
- c) A statement of the procedure that the requester may follow in order to file an appeal contesting the denial.

3. If the University does not respond to a request within the 5-business day period, the request is a *deemed denied*. See section below on RIGHT TO FILE AN APPEAL.

REDACTION

If it is determined that a public record contains information subject to access, as well as information not subject to access, the Pennsylvania Open Records Law requires that the response must grant access to the information subject to access, but deny access to the information not subject to access.

Redaction must be performed in such a way as to prevent the requester from having access to the redacted information.

APPLICABLE FEES

The requester is required to pay duplication fees prior to release of the records or for the cost of a disc should the records be requested electronically. The duplication fee schedule is established by the Pennsylvania Office of Open Records and is located on its website.

RIGHT TO FILE AN APPEAL

If Edinboro University denies a request for records, in whole or in part, or it is deemed denied by the passage of time, the requester may file an appeal with the Pennsylvania Office of Open Records within fifteen (15) business days of the mailing date of the University's response or within fifteen (15) business days of the deemed denial. The appeal shall state the grounds upon which the requester asserts that the record is a public record and shall address any grounds stated by the University for delaying or denying the request.

Appeals shall not be filed with Edinboro University once it has issued a determination to a request or a request is deemed denied.

CONTACT INFORMATION

Edinboro University:

Open Records Officer: 814-732-2585

Alternate Open Records Officer: 814-732-2703

Open Records Email Address: openrecords@edinboro.edu

Appeals of a University decision are to be filed Pennsylvania Office of Open Records:

Pennsylvania Office of Open Records

333 Market Street, 16th Floor

Harrisburg, PA 17126-0333

Phone: (717) 346-9903

Fax: (717) 425-5343

Email: openrecords@state.pa.us or on the web at <http://openrecords.state.pa.us>

RELATED UNIVERSITY POLICIES

Policy C061- Records Retention

Edinboro University of Pennsylvania
Attn: Open Records Officer - Reeder Hall
219 Meadville Street
Edinboro, PA 16444

STANDARD OPEN RECORDS REQUEST FORM

DATE REQUESTED:

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

REQUESTER' NAME: _____

STREET ADDRESS: _____

CITY/STATE/COUNTY (Required): _____

TELEPHONE (Optional): _____

RECORDS REQUESTED:

**Provide as much specific detail as possible so the agency can identify the information.*

DO YOU WANT COPIES? YES or NO

DO YOU WANT TO INSPECT THE RECORDS? YES or NO

DO YOU WANT CERTIFIED COPIES OF RECORDS? YES or NO

OPEN RECORDS OFFICER:

ALTERNATE OPEN RECORDS OFFICER:

DATE RECEIVED BY THE AGENCY: _____

AGENCY FIVE (5)-DAY RESPONSE DUE: _____

***Public bodies may fill anonymous verbal or written requests. If the requester 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.)*