

**FAWN TOWNSHIP  
YORK COUNTY, PENNSYLVANIA**

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**RESOLUTION NO. 3-2023**

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**A RESOLUTION REVISING AND RESTATING THE ESTABLISHED RULES,  
REGULATIONS, POLICIES, AND PROCEDURES, AND ESTABLISHING FEES  
PURSUANT TO THE RIGHT-TO-KNOW LAW**

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**WHEREAS**, Fawn Township (Township) is a duly organized and authorized second class township governed by the Second Class Township Code; and

**WHEREAS**, the Township adopted Resolution No. 5-2008, Establishing Rules, Regulations, Policies, Procedures and Fees pursuant to the Right to Know Law; and

**WHEREAS**, the Township is a local agency as defined in the Right-To-Know Law, as amended by Act 3 of 2008, and is regulated by the Law; and

**WHEREAS**, Section 502 of the Law requires the Township to appoint and designate and official or employee as its Open Records Officer; and

**WHEREAS**, Section 504 of the Law allows the Township to create regulations and policies covering records requests; and

**WHEREAS**, Section 1307 of the Law authorizes the imposition of fees; and said fees are set forth in the Township's current fee schedule; and

**WHEREAS**, the Township desires to revise Rules, Regulations, Policies, And Procedures for public records, in compliance with the Law:

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, and it is hereby resolved, by the Board of Supervisors of Fawn Township as follows:

**SECTION 1:** The Board of Supervisors appoints the Township Secretary/Treasurer as its Open Records Officer to respond to RTKL requests. The Board of Supervisors appoints the Assistant Secretary as its Alternate Open Records Officer, who shall act in that capacity if the Open Records Officer is unable to fulfill the duties for three (3) consecutive business days, which shall be defined as days on which the Township is open for business.

**SECTION 2:** The Board of Supervisors adopts the revised Fawn Township Right-to-Know Law Policy, a copy of which is attached, marked Schedule "A", and incorporated by reference.

**SECTION 3:** The Township shall set the Right to Know Law Fees as is permitted by the Office of Open Records in the Township's Fee Resolution.

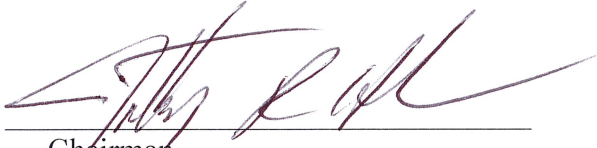
**SECTION 4:** This Resolution and the attached Schedule "A" shall be effective January 3, 2023 and shall govern all record requests made on or after that date.

**RESOLVED** this 3<sup>rd</sup> day of January, 2023.

ATTEST:

FAWN TOWNSHIP BOARD OF SUPERVISORS

  
Secretary/Treasurer

By:   
Chairman

**FAWN TOWNSHIP  
BOARD OF SUPERVISORS  
245 Alum Rock Rd.  
P.O. Box 229  
New Park, PA 17352-0229**

**Telephone: (717) 382-4834      Fax: (717) 382-1088  
Email: fawntwp@yahoo.com**

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**Right-to-Know Law Policy**

Adopted: January 3, 2023

Effective: January 3, 2023

**I. Authority**

Fawn Township (“Township”) adopts this policy pursuant to Section 504(a) of the Right-to-Know Law, 65 P.S. §§ 67.101-67.3104 (“RTKL”).

**II. Definitions**

All of the definitions set forth in the RTKL are incorporated into this policy by reference. See 65 P.S. § 67.102.

**III. Website**

The Township maintains a public website at: <http://www.fawntwp.org/>

The following is posted on the Township’s website: contact information for the Township Open Records Officer (“ORO”) and Alternate Open Records Officer (“Alternate ORO”), contact information for the Office of Open Records (“OOR”), the RTKL Uniform Request Form, which may be used to file a request, and a copy of this policy.

See 65 P.S. § 67.504(b).

**IV. Submitting a RTKL Request to the Township**

A. *Open Records Officer*. The Township has designated the Township Secretary/Treasurer as its Open Records Officer to respond to RTKL requests and the Assistant Secretary as its Alternate Open Records Officer, who shall act in that capacity if the Open Records Officer is unable to fulfill the duties for three (3) consecutive business days.

The contact information for the ORO and Alternate ORO is:

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By Mail: P.O. Box 229, New Park, PA 17352

In-Person: 245 Alum Rock Road, New Park, PA 17352

Phone: 717-382-4834

Fax: 717-382-1088

Email: [fawntwp@yahoo.com](mailto:fawntwp@yahoo.com)

Questions regarding this policy may be directed to the ORO at the telephone number or e-mail address listed above.

*B. Request.* Requests should be submitted in writing using the RTKL Uniform Request Form and must be addressed to the ORO. In addition to the Township website, the form is also available at the Township Office, 245 Alum Rock Road, New Park, PA 17352. If a requester chooses not to use the RTKL Uniform Request Form, the request must be in writing and clearly indicate that it is seeking records under the RTKL. To allow the Township to locate requested records and determine whether those records are public, all requests should be specific and concise and clearly identify as precisely as possible the records sought. Requesters should clearly indicate the preferred method of access – paper copies, electronic copies, or by inspection. Requesters should retain a copy of the request for their file, as a copy of the request is necessary should a requester appeal the Township response. Unless otherwise required by law, a written request need not include any explanation of the requester's reason for requesting the records or the intended use of such records. See 65 P.S. § 67.703.

*C. Receipt of the request.* For the purpose of calculating the response deadline, the Township is deemed to have received the request on the business day that the ORO receives the request.

The regular business hours of the Township Office are Monday through Friday from 8:00 A.M. to 4:00 P.M. Business days exclude Saturday, Sunday, and observed holidays on which the Township is closed. Any request that is received by the Township after the close of regular business hours shall be deemed to be received on the next business day. See 65 P.S. § 67.901.

If the request is received by a Township employee other than the ORO, the request will be forwarded to the ORO as soon as practical.

Upon receipt of a written request for records, the ORO shall do the following:

1. Note the date of the receipt on the written request;
2. Assign a tracking number so as to track the progress in responding to the request;
3. Compute the day on which the five-day period will expire, and make a notation of that date on the written request; and

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4. Create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.

D. *Verbal requests.* The Township will respond to verbal requests for records at its discretion. Requesters submitting verbal requests for records should be aware that they may not pursue the remedies available to a requester under the RTKL.

E. *Anonymous requests.* The Township will not respond to anonymous requests for records.

## **V. Response**

A. *Response period generally.* Upon receipt of a written request, the Township shall make a good faith effort to determine if the record requested is a public record and whether the Township has possession, custody, or control of the identified record. The Township has five (5) business days to respond to a request for records under the RTKL. If the Township does not respond, the request is considered “deemed denied,” and a requester’s appeal rights commence.

B. *Extension of time for response.* The Township is permitted to take an additional thirty (30) calendar days to respond to any request for the reasons set forth in Section 902 of the RTKL. If the Township invokes an extension, the requester will be informed in writing, in accordance with the requirements set forth in Section 902(b) of the RTKL. The requester may agree, in writing, to extend the Township response period. See 65 P.S. § 67.902.

C. *Trade secrets.* If a request involves records provided to the Township by a third party and the third party previously provided the Township with a written statement that the record contains a trade secret or confidential proprietary information, the Township shall provide notice to the third party. See 65 P.S. § 67.707(b).

D. *Final response.* The Township may grant, partially grant, partially deny, or deny a request in its entirety. The final response of the Agency will be in writing.

1. Granting access to records. The Township may grant a request for records by issuing a response: 1) granting access to inspect the records during regular business hours; 2) sending copies of the records to the requester; or 3) by notifying the requester that the records are available on the Township website or other publicly accessible electronic means.

A record being provided to a requester shall be provided in the medium requested, if it exists in that medium; otherwise, it shall be provided in the medium in which it exists. The Township shall not be required to create a record which does not currently exist or to otherwise compile, maintain, format or organize a record in a manner in which it does not currently compile, maintain, format or organize such record.  
See 65 P.S. §§ 67.701(a), 704.

2. Partially denying or denying access to records. Should the Township partially deny or deny a request for records through redaction or otherwise, the Township will inform the requester of the partial denial or denial in writing. The response will describe the requested records, inform the requester that the Township does not possess the responsive records or, if the records are exempt from public access, provide a citation to the relevant legal basis for withholding the requested records, provide the name, signature, title, business address, and telephone number of the Open Records Officer who denied the request, as well as the date of the response and the procedure to appeal the denial. See 65 P.S. § 67.903.

E. *Fees.* The Township will charge fees consistent with the Official RTKL Fee Schedule, available at <https://www.openrecords.pa.gov/RTKL/FeeStructure.cfm>. The fees are also included within the Fawn Township Fee Schedule available on the Township's website: <http://www.fawntwp.org/fee-schedules/>. The Township may, in its discretion, choose to waive some or all of the fees owed on a case-by-case basis.

## **VI. Appeals**

- A. *Generally.* To challenge the partial denial, denial, or deemed denial of a request for records, an appeal may be filed using the OOR appeal form, available at <http://www.openrecords.pa.gov/Appeals/AppealForm.cfm>, or by contacting the OOR:

Office of Open Records  
Commonwealth of Pennsylvania  
333 Market St., 16th Floor  
Harrisburg, PA 17101-2234  
[openrecords@pa.gov](mailto:openrecords@pa.gov)

- B. *Criminal investigative records.* To challenge the denial of a request or portion of a request on the basis that records were withheld because they are related to criminal investigative records, an appeal should be filed by contacting:

Tim Barker, York County District Attorney's Open Records Officer  
York County Judicial Center  
3<sup>rd</sup> Floor District Attorney's Office  
45 North George St.  
York, PA 17401  
E-mail address: [DAOpenRecordsOfficial@Yorkcountypa.gov](mailto:DAOpenRecordsOfficial@Yorkcountypa.gov)  
Fax: (717)771-9738

- C. *Requirements of an appeal.* All appeals must be filed within fifteen (15) business days of the mailing date of the partial denial, denial, or deemed denial of the request. All appeals must be in writing; must state the grounds upon which the requester asserts that the

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requested records are public records; must address any grounds stated by the Township for delaying or denying the request; and must include a copy of the request and the Township's response, if any. *See* 65 P.S. § 67.1101(a) (1).

## **VII. Notification of Third Parties on Appeal**

If records affect a legal or security interest of an employee of the Township; contain confidential, proprietary or trademarked records of a person or business entity; or are held by a contractor or vendor, the Township must notify such parties of the appeal immediately and provide proof of that notice to the OOR within seven (7) business days from the date of the OOR's Official Notice of Appeal. Such notice must be made by: 1) providing a copy of all documents included with the appeal to the OOR; and 2) advising that interested persons may request to participate in the appeal. *See* 65 P.S. § 67.1101(c).

## **VIII. Mediation**

The RTKL requires the OOR to establish an informal mediation process to resolve disputes under the RTKL. This is a voluntary process to help parties reach a mutually agreeable settlement on records disputes before the OOR. Mediation, a facilitated conversation between the parties that can serve as a fair and efficient tool to resolve conflict, can save time and expense. When appropriate, the Township is open to resolving RTKL disputes through the OOR's mediation process. *See* 65 P.S. § 67.1310(a)(6).

## **IX. Record Retention**

Nothing in the Right-to-Know Law shall be construed to modify, rescind or supersede the Townships lawfully adopted record retention and disposition policy. Moreover, nothing the Right-to-Know Law shall be construed to require access to any computer of the Township, or that of an individual, or employee of the Township.

Notwithstanding any other existing record retention policy, once a RTKL request is received, the Township shall maintain, preserve, retain, protect, and not destroy any and all records, both electronic and hard copy, that are potentially responsive to the request until such time as the request is fulfilled and all associated appeals are resolved.

## **X. Additional Information about the RTKL**

Additional information about the RTKL, the request process, and the appeal process is available on the OOR website at <https://www.openrecords.pa.gov>.