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| Cumberland County, PA | CO-005 |
| Policy Status: <input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Final | Commissioners' Office |
| Effective Date: January 5, 2026 | Right to Know Policy |

PURPOSE

On February 14, 2008, Act 3 of 2008 (65 P.S. § 67.101) was passed into law amending the Pennsylvania Right-To-Know Law (Act). The Act governs the rights of the public to inspect and obtain copies of public records. This policy shall be construed in such a manner as to comply with the Act and, where this policy is in conflict with the Act, the Act shall control.

PUBLIC RECORDS

For county purposes, “public record” is defined in the Act as a county record, including a financial record, that: (1) is not exempt under section 708 of the Act; (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.

“Record” is defined in the Act as information, regardless of physical form or characteristics, that documents a county transaction or activity and that is created, received or retained pursuant to law or in connection with a county transaction, business or activity. 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.

POLICY

Inspection

Public records are open to inspection and for duplication during normal office hours, 8:00 a.m. to 4:30 p.m. Monday through Friday, except for holidays, subject to the regulations set forth herein. Appointments are strongly encouraged in order to ensure that the requested records are available for inspection and that staff is available to assist requester. In person inspection of records will not be available at times when the county has advertised that county facilities will be closed due to inclement weather or other emergency.

Format

A public record must be provided to a requester in the medium requested, if it exists in that medium. Otherwise, it will be provided in the medium in which it exists. The county may make its records available through any publicly accessible electronic means, in which event it may respond to a request by notifying the requester that the record is available through publicly accessible electronic means or that the county will provide access to inspect the record electronically. A requester shall not be granted access to a county computer unless access is customarily provided for public access to public documents.

If the requester is unwilling or unable to access the record electronically, the requester may submit a written request to have the record converted to paper. The county will provide copies of identifiable and existing public records but is not required to create, synthesize, compile, maintain, format, convert, or organize records in response to a request. Nevertheless, the county may choose to do so for an appropriate fee.

Request for Public Records

A request for public records uses standard forms and procedures. The requirements are outlined below. Additional information including a list of county records officers for elected officials, courts, and other county departments and a step-by-step guide is found on the Open Records Office webpage at <https://www.cumberlandcountypa.gov/3156/Open-Records-Office>.

Method of Request

A request for access to a public record may be verbal or written and submitted in person, by mail, or e-mail, by facsimile or, to the extent provided by the Act and this Policy, any other electronic means, and shall be addressed to the appropriate County Open Records Officer as listed on the Open Records Office webpage at <https://www.cumberlandcountypa.gov/3156/Open-Records-Office>.

Form of Request:

The requester shall use the “Standard Right-to-Know Request Form” available on the Open Records Office webpage at

https://www.cumberlandcountypa.gov/DocumentCenter/View/5075/Right_to_Know_Request_Form.

- Include the name and address of the requester; and
- Provide an address to which the records are to be mailed or indicate that the records will be picked-up by the requester in person at the appropriate office listed above or will be received via the included email address.
- Identify or describe the specific public records being sought in as detailed a manner as possible. The request must be sufficiently specific to enable the county to ascertain which records are being requested, and include the date of the information requested as well as type of information, and the county office or department which has custody of the record.
- The request shall indicate whether the records are to be certified.

If a request is made to an office or department not designated as the open records officer for said office or department, the request shall immediately be forwarded to the appropriate county open records officer. The recipient of the request shall not inquire as to the intended use of the record.

A requestor may not pursue any relief available under the Act unless the request is in writing and submitted via the “Standard Right-to-Know Request Form” at the addresses cited above.

Types of Records

Cumberland County identifies three types of requests for public records:

Type I: A request for a photocopy of a physical document, or a printout of a digital document maintained on a computer system.

Type II: A request for an electronic copy of a computer record. Type II computer record requests involve the copying of an entire computer file, as the county maintains it, onto storage media for which the county is capable. A single electronic document is a computer record. A Type II request involves simply copying the document onto storage media. Such a request does not involve the selecting of any specific portion of that computer document, nor any formatting or other activity with that record. The county makes no warranty whatsoever as to any computer media copy of a computer record, including the

usability of the computer record. The purchaser of a Type II computer record is additionally cautioned that the data may not be readily accessed without the purchase of specialized software and/or the use of professional computer staff. The request for a computer record is the request for the raw data and of an electronic document, format, and structure of the type used by the county. Such a request does not include the purchase of the software to open, view, or use the document, nor any specialized templates or other county programs used to display the data in a particular format.

Type III: A request for an electronic copy of a computer record which is not a Type II request, such as a database or other structured data. The county is not obligated to fill Type III requests but may choose to do so on a case-by-case basis depending upon the nature of the request and the time and abilities of county staff or that of any outside contractor. There shall be no policy regarding the election to fulfill such requests and a decision to fill a particular request shall in no way establish a precedent that a similar request will be filled in the future for the same or a different party. Type III requests are also filled without any warranty whatsoever, including the usability of the computer record, even if the county or its outside contractor has attempted to create a particular record for a particular party, in a particular format. There are separate and additional charges for Type III requests.

Redaction

The county will grant access to public records according to statutory requirements and this policy. The county will separate and exclude any records which are not public record or which are otherwise excluded or exempted from the definition of public records. If information which is not subject to access is an integral part of a public record and cannot be separated, the county shall redact from the public record the information which is not subject to access and the response shall grant access only to the information which is subject to access.

The County's Response and Time for Response

The county's response time shall be governed by the Act and the following procedure will apply:

- The requested records will be provided or the requester will be notified that the request will be fulfilled upon the payment of a fee; or
- The request will be denied. If a request is denied in whole or in part, the denial will contain a description of the records requested, the reasons for the denial, including citation of supporting legal authority, the name, title, business address, business telephone number, and signature of the person on whose authority the denial is issued, a date of the response, and the procedure to appeal the denial of access under the Act; or
- If the requester refuses to pay the applicable fees set forth by this policy, then the requester will be informed in writing that the request is denied for that reason, which will include a description of the record requested, the name, title, telephone number, and signature of the denying public official or employee, date of the response, and appeal procedure.

If the fee for reproduction of the records exceeds one hundred dollars (\$100.00), the requester shall pre-pay the cost prior to the records being reproduced.

Manner of Response

If not otherwise requested by the requester, the county shall send the requested public records by regular mail, or at the option of the county, may send the public records by electronic mail to those requesters capable of receiving electronic mail. The requester may request delivery of the public records by mail, facsimile, express mail, e-mail or other customarily available methods. The county shall make a good faith effort to send the public records by the method requested. The postage or other actual fees for delivery shall be charged to the requester.

If a requester desires to receive the public records in person, they may communicate their request by mail or facsimile to the county to retain the records for pick-up at the designated county office. Upon receiving the request, the county shall make a good faith effort to hold the requested public records at the designated county office for a reasonable period of time, which shall not exceed sixty (60) days.

The county may waive the fees for duplication of a public record including, but not limited to, when:

- (1) The requester duplicates the public record; or
- (2) The county deems it is in the public interest to do so.

Determination as to waiver of fees, in whole or in part, shall be made by the county open records officer.

Written requests for records denied by the county open records officer may be appealed to the Office of Open Records of the Commonwealth of Pennsylvania, with instructions for filing an appeal available at the Office of Open Records' website at <https://www.openrecords.pa.gov/>

Fees

Fees are to be paid at the time the records are delivered unless prepayment is required. Fees for duplication of records have been established and posted by the State Office of Open Records.

The current fee per page is available at <https://www.cumberlandcountypa.gov/3156/Open-Records-Office>. Please note a page is either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5" x 11" page.

Cumberland County reserves the right to impose additional fees if it incurs costs for complying with a request, pursuant to the Right to Know Law; such additional fees, when charged, must be reasonable. This includes, but is not limited to, fees for enhanced electronic access and certified copies of documents. The fees for commonly requested records is available on the webpage above.

Statutory Fees

Should a separate statute authorize a county office to charge a set amount for a certain type of record, the county may charge no more than that statutory amount. For example, a Recorder of Deeds may charge a copy fee of \$.50 per uncertified page and \$1.50 per certified page under 42 P.S. § 21051.

Inspection of Redacted Records

If a requester wishes to inspect rather than receive a copy of a record and the record contains both public and non-public information, the county will redact the non-public information. The county may charge for the copies it must make of the redacted material in order for the requester to view

the public record. The same fee structure applies. If, after inspecting the records, the requester chooses to obtain the copies, no additional fee will be charged.

Enhanced Electronic Access

The county may offer enhanced electronic access to records in addition to making the records accessible for inspection and duplication by a requester, the county may establish user fees specifically for the provision of the enhanced electronic access, but only to the extent that the enhanced electronic access is in addition to making the records accessible for inspection and duplication by a requester. The user fees for enhanced electronic access may be a flat rate, a subscription fee for a period of time, a per-transaction fee, a fee based on the cumulative time of system access or any other reasonable method and any combination thereof.

QUESTIONS

Questions about this policy should be directed to the Open Records Office at 717-240-5444 or solicitor@cumberlandcountypa.gov.

REVISION HISTORY

| Version Number | Public Meeting | Public Meeting Date | Summary of Changes |
|-----------------------|-----------------------|----------------------------|--|
| 1.0 | | 12/12/2008 | Effective on January 1, 2009 to comply with Act 3 of 2008 as several provisions went into effect on January 1, 2009. |
| 2.0 | BOC Meeting | December 4, 2025 | Updated to reflect technology changes and to simplify the policy. |