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COUNTY of LUZERNE
PENNSYLVANIA
ESTABLISHED 1786

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Luzerne County Right to Know Policy

Effective: January 1, 2009

Purpose

The purpose of this policy is to assure compliance with the Pennsylvania Right-to-Know Act which was passed into law amending the Pennsylvania Right-to-Know Law (RTKL) (65 P.S. 66.1 et seq), as amended to provide access to public records of Luzerne County Government, while preserving appropriate confidential and privileged information. The effective date for most provisions in the Law is January 1, 2009. The RTKL governs the rights of the public to inspect and obtain copies of public records. This policy shall be construed as to comply with the RTKL and where this policy is in conflict with the RTKL, the RTKL shall control.

Public Records

For County purposes, ``public record,'' is any account, voucher, or contract dealing with the receipt or disbursement of funds by Luzerne County (hereinafter ``County'') or its acquisition, use, or disposal of services or of supplies, materials, equipment, or other property and any minute, order or decision by the County fixing the personal or property rights, privileges, immunities, duties, or obligations of any person or group of persons.

``Record'' is defined in the Law 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.

``Public records'' do not include any report, communication, or other paper, the publication of which would disclose the institution, progress, or result of any investigation undertaken by the County in the performance of its official duties, except

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VOICE 570.825.1500 fax 570.825.9343 tdd 570.825.1860

those reports filed by agencies pertaining to safety and health in industrial plants. The term does not include any record, document, material, exhibit, pleading, report, memorandum, or other paper, access to or the publication of which is prohibited, restricted, or forbidden by statute, law, or order or decree of court, or which would operate to the prejudice or impairment of a person's reputation or personal security or which would result in a loss by the Commonwealth or any of its political subdivisions or commissions or state or municipal authorities of federal funds, excepting therefrom, however, the record of any conviction for any criminal act.

Inspection

Public records are open to inspection and for duplication during normal office hours, 9 a.m. to 4:30 p.m., Monday through Friday, except for holidays, subject to the regulation set forth herein.

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. 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

An individual may make a written request for access to a record. A written request includes those sent via electronic mail (e-mail). The office or department to which the request is made shall immediately forward the request to the County Open Records Officer. The requester will be directed to the appropriate county
row office, court-related office, commission or authority if documents and/or records that satisfy the request are located in that office.

The recipient of the request shall not inquire as to the intended use of the record. A requester shall not be granted access to a County computer unless it is customarily provided for public access to public documents in row offices. The request shall indicate whether the records are to be certified.

A requester may not pursue any relief available under the Act unless the request is in writing. Written requests for County records are to be sent to the County Records Officer and addressed as follows:

Luzerne County Solicitor's Office, Attn: County Open Records Officer, Luzerne County Courthouse, 200 North River Street, Wilkes-Barre, PA 18711. Phone: 570-825-1598, Fax: 570-820-6355.

The written request must:

- Provide a name, an address to which the records are to be mailed and a telephone number or indicate that the records will be picked-up by the requester in person at the office listed above. An email address should be provided if information is to be sent electronically.

- Identify or describe the specific records being sought. 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 the type of information, and the County office or department which has custody of the record.

- The requester may also request access to records for viewing. The County reserves the right to deny an access request if the records cannot be reasonably accessed for viewing.

- Requests must identify or describe records and/or documents with sufficient specificity to ascertain which records and/or documents are being requested. Vague requests will be denied. Requests without sufficient contact information, such as an address, phone number, and/or email address, will be denied.

Luzerne County identifies two types of requests for public records:

Type 1: A request for a photocopy of a physical document, or a paper print-out of Document maintained on a microfilm or computer system.

Type 2: A request for an electronic, magnetic, or other computer media copy of a computer record which is not a Type 1 request. The County is not obligated to fill Type 2 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.

Processing Requests

The requester will be notified in writing within five (5) business days of receipt that their request for information is under review, and that they can expect a response within thirty (30) days. The requester will also receive notification within thirty (30) days if their request was denied, the notification will include justification as to why it was denied. If it is determined during review that fees will be assessed for copying and/or research costs, the requester will be notified of the amount and asked whether they wish to proceed with the request.

Requesters will only be provided with existing county administration public records. If, upon reasonable investigation, available records pertaining to the request do not exist, the requester will be so notified.

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 intergral 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.

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, he/she may communicate his 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.

Appeals

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, Director of Communications, DCED, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225.

Judicial Appeal

Appeals from final decisions of the Office of Open Records of the Commonwealth of Pennsylvania may be filed with the Court of Common Pleas of Luzerne County.

Electronic Access

The County may make enhanced electronic access available on a yearly subscription basis to selected Luzerne County records via the Internet on a flat rate, subscription fee for a period of time, a per transaction fee, a fee based on cumulative time on the system, or any other reasonable method or combination thereof.

Posting of Policy

This policy shall be posted throughout the County's offices and on its Web site at www.luzernecounty.org.

Fees

Fees are to be paid at the time the records are delivered unless prepayment is required.

Record Type	*Fee*
Copies: (A photocopy is either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5" x 11.5" page.)	$.25 per page
Certification of a Record:	$1.00 per record, fees does not include notarization fees.
Specialized documents: For example, but not limited to, blue prints, color copies, non-standard sized documents:	Actual cost
Floppy disk:	$1.00
CD:	$5.00
DVD:	$25.00

GIS Mapping:

HARDCOPY		
	8.5" X 11" Tax Map & Report (Color)	$3
	11"x 17" B/W Orthophoto map w/ Parcel Lines	$4
	11"x 17" Color Orthophoto map w/ Parcel Lines	$5
	11"x 17" Standard Tax Parcels MapBook (B/W)	$450 (when available)
	11"x 17" Standard Tax Parcels MapBook (COLOR)	$850 (when available)
	20"x 30" Standard tax map (1" = 150' scale)	$5
	20"x 30" Standard tax map w/ Ortho (1" = 150' scale)	$15
	20"x 30" Standard Tracing Map (1" = 500' scale)	$5
	20"x 30" 1984 Aeiral Photo Map	$10
	20"x 30" 1954 Aeiral Photo Map (1" = 400')	$15
	20"x 30" Tracing Index map (@ 67%)	$10
	20"x 30" Historic Tracing/Strip Maps (@67%)	$4
	Custom GIS Map B/W	$15/map + GIS Service Fee
	Custom GIS Map Color Plot (max 36" X 48")	$30/map + GIS Service Fee
	Additional GIS Layers for custom maps (excluding orthophoto)	$10/Layer/Map
	Road Docket Descriptions (Legal)	$1/Page
	Road Docket Maps (11" X 17")	$2/ea
ENHANCED DIGITAL		
	Digital Color Ortho Photography 2005 1 foot Pixel TIFF format (Luzerne County Tracing Index) on CDROM/DVD by Tile (241 Trace Maps available) (FTP available soon)	$25 / Tile + 5$ / CD or DVD
	Digital Color Ortho Photography 2005 1 foot Pixel TIFF format (Entire County) on DVDs by Tile (241 Trace Maps available) (no FTP)	$3000 + 5$ / DVD
	Digital Ortho Photography 2000 2 foot Pixel TIFF format (10K X 10K Tile) on CDROM by Tile (299 Tiles available) (FTP out available no CD cost)	$15 / Tile + 5$ / CD

	Digital Color Ortho Photography 2000 2 foot Pixel TIFF format a (10,000 sq ft tiles) on CDROM by Tile (??? Trace Maps available) (FTP out available no CD cost)	$15 / Tile + 5$ / CD or DVD
	Digital Ortho Photography 2000 TIFF format on DVD Entire County	2000 + 5$ / CD
	Digital Tax Parcel Data (ESRI ShapeFile format) by Municipality on CD	$75 / Municipality
	Digital Tax Parcel Data (ESRI ShapeFile format) by County on CD	$4,000
	Digital Tax Parcel Data (ESRI ShapeFile format) by Parcel on CD	$25 + 5cents / Parcel
	Digital Road Centerlines (ESRI ShapeFile format) by County (w/ addressing) on CD	N/A at this time
	Digital Road Centerlines (ESRI ShapeFile format) by County (no addressing) on CD	$1,200
	Digital Hydrography Centerlines (ESRI ShapeFile format) by County on CD	$500
	Digital Active RailRoad Centerlines (ESRI ShapeFile format) by County on CD	$150
	Digital Zoning Layer (ESRI ShapeFile format) by County on CD	$250
	Digital SSURGO SOILS Data Layer by County on CD	$25
SERVICES		
	Large Format B/W Scanning (up to 54" wide) 300 dpi	$2.00/Sq Ft. + $5/DVD
	Large Format Color Scanning (up to 54" wide) 300 dpi	$4.00/Sq Ft. + $5/DVD
	GIS Analysis & Map Work (GIS Analyst) aka 'GIS Service Fee'	$60/hour (0.5 hour min)
	GPS Work & Analysis	$60/hour (0.5 hour min)
	GIS Web Services (per query)	$2/per query
	GIS Web Services (annual subscription w/ unlimited usage per IP source)	$980/yr

DVD:	$25.00
Conversion to Paper:	If a record is only maintained electronically or in other non-paper media, duplication fees shall be the lesser of the fee for duplication on paper or the fee for duplication in the original media unless the requester specifically requests for the record to be duplicated in the more expensive medium.
Facsimile/Microfiche:	Actual cost.

Statutory Fees: Should a separate statute authorizes a County office to charge a set amount for a certain type of record, the County may charge no more than the statutory amount. For example, a Recorder of Deeds may charge a 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 shall 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 fee structure outlined above will apply. If, after inspecting the records, the requester chooses to obtain the copies, no additional fee may 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 system access or any other reasonable method and any combination thereof.