Right-to-Know Policy

Effective January 1, 2009

Requests for public records from Lock Haven University under the Right-to-Know Law, as amended, 65 P.S. §§ 67.101 et seq, are subject to the following guidelines.

Requests

(1) Requests for information under the Right-to-Know Law must be submitted in writing to the designated Agency Open Records Officer. A request may be delivered in person, by mail, by electronic mail, or by facsimile. Verbal or oral requests will not be accepted.

(2) Each request must include the name of the requester and the address to which the response will be delivered. The request should identify or describe the records sought with sufficient specificity to enable the University to ascertain which records are being requested.

(3) The Open Records Officer may ask the requester the reason for the request or the intended use of the records in order to help identify the records of actual relevance to the requester. The University cannot insist that such a statement be provided, nor can it use the lack of such a statement as a reason for denying the request.

Submittal of Right-to-Know Requests

All requests to Lock Haven University under the Right-to-Know Law must be submitted in writing to:

Ms. Amy G. Dicello
Right To Know/Open Records Officer
Lock Haven University East Campus
301 West Church Street
Lock Haven, PA 17745
Email: openrecordsofficer.lockhaven.edu

- Requests may be delivered in person or sent by regular mail to the address listed above. Requests may also be made by electronic mail, or by facsimile 570-484-3085.

- 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 right-to-know officer receives the request.
• The Open Records Officer will inform the requester of receipt of the request, including the date the request was deemed received.

University’s Duty to Provide a Prompt Response to a Right-to-Know Request

1. Upon receipt of a written request, the 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. This time shall not exceed five (5) business days from the date the written request is received by the Open Records Officer. If the University fails to respond within that time period, the request is deemed denied.

2. The University may inform the requester of the need for additional time to comply with a specific request, in accordance with provisions of the Act. Such an extension may not exceed thirty (30) calendar days unless agreed to by the requestor. If the University fails to make a timely final response pursuant to the extension the request is deemed denied. The Open Records Officer shall send written notice to the requester within five (5) business days of the need for an extension. The notice shall include a statement notifying the requester that the request for access is being reviewed, the reason for the review and a reasonable date that a response is expected to be provided, and an estimate of applicable fees owed when the record becomes available.

Processing of Right-to-Know Requests

Upon receiving a written Right-to-Know request, the Open Records Officer shall complete the following tasks:

• Date-stamp the request.
• Assign a tracking number to the request.
• Compute the day on which the 5-business-day period will expire and make a notation of that date on the first page of the request.
• Inform the requestor of receipt of the request.
• Make an electronic or paper copy of the request, including all documents submitted with it and the envelope (if any) in which it came.
• Create an official file for the retention of the original request.

For purposes of determining the 5-business-day period:

• A business day shall be any Monday, Tuesday, Wednesday, Thursday, or Friday, except those days when the offices of the agency are closed for all or part of a day due to a state holiday, due to severe weather (such as a blizzard or ice storm); due to natural or other disaster; or due to the request or direction of local, state, or federal law enforcement agencies or officials.

• Requests may be submitted during regular business hours, which are 8:00 a.m. to 4:00 p.m. Requests received after 4:00 p.m. will be deemed to have been received on the following business day.
• 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 agency’s next business day.

**Initial Review by the Right-to-Know Official**

Upon receiving a Right to Know request, the Open Records Officer shall promptly review it. The purpose of this review is to determine the following:

• Whether the request possesses an obvious defect that permits it to be rejected without further consideration. Such defects include the following:
  o The documents sought by the requester are not identified with sufficient particularity.
  o The identified records unquestionably fall outside the Act’s definition of “public records.”
  o The identified records unquestionably fall within one of the Act’s statutory exemptions under 65 P.S. §67.708 to the definition of “public records.”
  o The Open Records Officer has personal knowledge that the identified records do not exist.
  o The Open Records Officer has personal knowledge that the identified records are not in the possession or control of the agency.
  o Whether the request can be granted without further consideration. For example, if the Open Records Officer knows that the requested documents exist and are public records and that they are immediately accessible, no further analysis is necessary.
  o Whether the request implicates a right protected by the Pennsylvania or United States Constitution, including but not limited to, the constitutional right of privacy. If the Open Records Officer concludes that the request implicates such a right, he shall consult with University Legal Counsel regarding the balancing of the requester’s interest in access to the records versus the constitutionally protected interests.

In conducting this initial review, the right-to-know official may contact (or attempt to contact) the requester in order to obtain clarification or additional information.

If the Open Records Officer determines that the request should be refused for any of the grounds set forth in (1), above, he shall immediately draft a proposed denial letter. This letter should set forth each and every ground that the right-to-know official believes is a proper ground for refusal.

**Responses, In General**

• The act of providing a requester with physical access to a document in the offices of the agency is a “response” for purposes of the Right-to-Know Law.

• A 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.

• A 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 fee as established by the Office of Open Records. The fee can be waived at the discretion of the right-to-know officer.

- 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.

**Responses**

*Types of responses.*

- The request is granted in its entirety.
- The request is denied in its entirety.
- The request is partially granted.

**Deemed denials.** *The failure to make a timely response is deemed a denial.*

**Final responses granting requests.**

- 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.

**Final responses that deny requests, either in whole or in part.**

- A written response that denies a request must list the entire specific reasons relied on for denying the request.
- If a request is denied all or in part, the written response must also contain a notice informing the requester of his or her right to file an appeal with the Office of Open Records.
- Any final written response that sets for a denial, whether in whole or in part, must contain the following:
  - The name, title, business address, business telephone number and signature of the public official or employee on whose authority the denial is issued.
  - The words “Mailing Date” followed by the date that is the mailing date of the response.
  - A statement of the procedure that the requester may follow in order to file an appeal contesting the denial.
  - Grounds for a denial. A written request for access to, or a copy of, a record may be denied if any of the follow circumstances exists:
    - The requester has not identified any of the requested records with sufficient specificity.
    - The record does not exist.
    - The requester has not prepaid the costs of fulfilling the request, if the anticipated costs would exceed $100.
    - The record in question does not satisfy the Act’s general definition of “public record.”
    - The record in question falls within one or more of the Act’s statutory exceptions to the definition of “public record.” 65 P.S. §67.708.
    - The request constitutes a disruptive request pursuant to 65 P.S. §67.506(a) or the request is not able to be granted due to disaster or potential damage pursuant to 65 P.S. §67.506(b)
Redaction

- Redaction means the eradication of a portion of a document while retaining the remainder. Redaction must be performed in such a way as to prevent the requester from having access to the redacted information.
- If it is determined that a public record contains information subject to access, as well as information not subject to access, the Right to Know Law requires that the response must grant access to the information subject to access, but deny access to the information not subject to access.
- University Legal Counsel, or designee, before delivery of the response, will review any response that includes information that must be redacted.

Appeals

Right to file an appeal.

- An appeal to a denial must be filed with the Office of Open Records within 15 business days of the mailing date of the written denial.
- An appeal to a deemed denial must be filed with the Office of Open Records within 15 calendar days of the date the request is deemed denied.
- You have a right to appeal this denial of information in writing to the Office of Open Records, 333 Market Street, 16th Floor, Harrisburg, PA 17101-2234. If you choose to appeal you must do so within 15 days of the mailing date of the agency's response. Section 1101. If you have further questions, please call our Open Records Officer.

Fees and charges

- All fees charged will be in accordance with the fee structure established by the Office of Open Record. [http://openrecords.state.pa.us](http://openrecords.state.pa.us)

Once the request is fulfilled and prepared for release, LHU reserve the right to obtain the fees for the records prior to releasing the records. This recommendation from the Open Records Office has been recommended to avoid situations in which LHU provides the records and the requester fails to submit payment.
Section 708. Exceptions for Public Records

(b) Exceptions - Except as provided in subsections (c) and (d), the following are exempt from access by a requester under this act:

(1) A record the disclosure of which:
   (i) would result in the loss of Federal or State funds by an agency or the Commonwealth; or
   (ii) would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual.

(2) A record maintained by an agency in connection with the military, homeland security, national defense, law enforcement or other public safety activity that if disclosed would be reasonably likely to jeopardize or threatened public safety or preparedness or public protection activity or a record that is designated classified by an appropriate Federal or State military authority.

(3) A record, the disclosure of which creates a reasonable likelihood of endangering the safety or the physical security of a building, public utility, resource, infrastructure, facility or information storage system, which may include:

   (i) documents or data relating to computer hardware, source file, software and system networks that could jeopardize computer security by exposing a vulnerability in preventing, protecting against, mitigating or responding to a terrorist act;
   (ii) lists of infrastructure, resources and significant special events, including those defined by the Federal Government in the National Infrastructure Protections, which are deemed critical due to their nature and which result from risk analysis; threat assessments; consequences assessments; antiterrorism protective measures and plans; counterterrorism measures and plans; and security and response needs assessments; and
   (iii) building plans or infrastructure records that expose or create vulnerability through disclosure of the location, configuration or security of critical systems, including public utility systems, structural elements, technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage and gas systems.

(4) A record regarding computer hardware, software and networks, including administrative or technical records, which, if disclosed would be reasonably likely to jeopardize computer security.
(5) A record of an individual’s medical, psychiatric or psychological history or disability status, including an evaluation, consultation, prescription, diagnosis or treatment; results of tests, including drug tests; enrollment in health care program or program designed for participants by persons with disabilities, including vocational rehabilitation, workers’ compensation and unemployment compensation; or related information that would disclose individually identifiable health information.

(6)

(i) The following personal identification information:

(A) A record containing all or part of a person’s Social Security number; driver’s license number; personal financial information; home, cellular or personal telephone numbers; personal e-mail addresses; employee number or other confidential personal identification number.

(B) A spouse’s name; material status, beneficiary or dependent information.

(C) The home address of a law enforcement officer or judge.

(ii) Nothing in this paragraph shall preclude the release of the name, position, salary, actual compensation or other payments or expenses, employment contract, employment-related contract or agreement and length of service of a public official or an agency employee.

(iii) An agency may redact the name or other identifying information relating to an individual performing an undercover or covert law enforcement activity from a record.

(7) The following records relating to an agency employee:

(i) A letter of reference or recommendation pertaining to the character or qualifications of an identifiable individual, unless it was prepared in relation to the appointment of an individual to fill a vacancy in an elected office or an appointed office requiring Senate confirmation.

(ii) A performance rating or review

(iii) The employment application of an individual who is not hired by the agency.

(iv) Workplace support services program information.

(v) Written criticisms of an employee.

(vi) Grievance material, including documents related to discrimination or sexual harassment.

(vii) Information regarding discipline, demotion or discharge contained in a personnel file. This subparagraph shall not apply to the final action of an agency that results in demotion or discharge.

(viii) An academic transcript
(8) A record pertaining to strategy or negotiations relating to labor relations or collective bargaining and related arbitration proceedings. This subparagraph shall not apply to a final or executed contract or agreement between the parties in a collective bargaining procedure.

(ii) In the case of the arbitration of a dispute or grievance under a collective bargaining agreement, an exhibit entered into evidence at an arbitration proceeding, a transcript of the arbitration or the opinion. This subparagraph shall not apply to the final award or order of the arbitrator in a dispute or grievance procedure.

(9) The draft of a bill, resolution, regulation, statement of policy, management directive, ordinance or amendment thereto prepared by or for an agency.

(10) A record that reflects

(A) The internal, pre-decisional deliberations of an agency, its members, employees or officials or pre-decisional deliberations between agency members, employees or officials and members, employees or officials of another agency, including pre-decisional deliberations relating to a budget recommendation, legislative proposal, legislative amendment, contemplated or proposed policy or course of action or any research, memos or other documents used in the pre-decisional deliberations.

(B) The strategy to be used to develop or achieve the successful adoption of a budget, legislative proposal or regulation.

(ii) Subparagraph (i)(A) shall apply to agencies subject to 65 Pa.C.S. Ch 7 (relating to open meetings) in a manner consistent with 65 Pa.C.S. Ch. 7. A record which is not otherwise exempt from access under this act and which is presented to a quorum for deliberation in accordance with 65 Pa.C.S. Ch. 7 shall be a public record.

(iii) This paragraph shall not apply to a written or Internet application or other document that has been submitted to request Commonwealth funds.

(iv) This paragraph shall not apply to the result of public opinion surveys, polls, focus groups, marketing research or similar effort designed to measure public opinion.

(11) A record that constitutes or reveals a trade secret or confidential proprietary information.
(12) Notes and working papers prepared by or for public official or agency employee used solely for that official’s or employee’s own personal use, including telephone message slips, routing slips and other materials that do not have official purpose.

(13) Records that would disclose the identity of an individual who lawfully makes a donation to an agency unless the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public official or employee of the agency, including lists of potential donors compiled by an agency to pursue donations, donor profile information or personal identifying information relating to a donor.

(14) Unpublished lecture notes, unpublished manuscripts, unpublished articles, creative works in progress, research-related materials and scholarly correspondence of a community college or an institution of the State System of Higher Education or a faculty member, staff employee, guest speaker or student thereof.

(15)

(i) Academic transcripts
(ii) Examinations, examination questions, scoring keys or answers to examinations. This subparagraph shall include licensing and other examinations relating to the qualifications of an individual and to examinations given in primary and secondary schools and institutions of higher education.

(16) A record of an agency relating to or resulting in a criminal investigation, including:

(i) Complaints of potential criminal conduct other than a private criminal complaint
(ii) Investigative materials, notes, correspondence, videos and reports.
(iii) A record that includes the identity of a confidential source or the identity of a suspect who has not been charged with an offense to whom confidentiality has been promised.
(iv) A record that, if disclosed, would do anything of the following:
   (A) Reveal the institutions, progress or result of a criminal investigation, except the filing of criminal charges.
   (B) Deprive a person of the right to a fair trial or an impartial adjudication.
   (C) Impair the ability to locate a defendant or codefendant.
   (D) Hinder an agency’s ability to secure an arrest, prosecution or conviction.
   (E) Endanger the life or physical safety of an individual.
This paragraph shall not apply to information contained in a police blotter as defined in 18 Pa.C.S. § 9102 (relating to definitions) and utilized or maintained by the Pennsylvania State Police, local, campus, transit, or port authority police department or other law enforcement agency or in a traffic report except as provide under 75 Pa. C.S. § 3754 (b) (relating to accident prevention investigations).

(17) A record of an agency relating to a noncriminal investigation, including:
   (i) Complaints submitted to an agency.
   (ii) Investigative materials, notes, correspondence and reports.
   (iii) A record that includes the identity of a confidential source, including individuals subject to the act of December 12, 1986 (P.L. 1559, No. 169), known as the Whistleblower Law.
   (iv) A record that includes information made confidential by law.
   (v) Work papers underlying an audit.
   (vi) A record that, if disclosed, would do any of the following:
       (A) Reveal the institution, progress or result of an agency investigation, except the imposition of a fine or civil penalty, the suspension, modification or revocation of a license, permit, registration, certification or similar authorization issued by an agency or an executed settlement agreement unless the agreement is determined to be confidential by court.
       (B) Deprive a person of the right to an impartial adjudication. (C) Constitute an unwarranted invasion of privacy.
       (D) Hinder an agency’s ability to secure an administrative or civil sanction.
       (E) Endanger the life or physical safety of an individual.

(18)
   (i) Records or parts of records, except time response logs, pertaining to audio recordings, telephone or radio transmissions received by emergency dispatch personnel, including 911 recordings.
   (ii) This paragraph shall not apply to a 911 recording, or a transcript of a 911 recording, if the agency or a court determines that the public interest in disclosure outweighs the interest in nondisclosure.

(19) DNA and RNA records

(20) An autopsy record of a coroner or medical examiner and any audiotape of a postmortem examination or autopsy, or a copy, reproduction or facsimile of an autopsy report, a photograph, negative or print, including a photograph or videotape of the body or any portion of the body of a deceased person at the scene of death or
in the course of a postmortem examination or autopsy taken or made by or cause to be taken or made by the coroner or medical examiner. This exception shall not limit the reporting of the name of the deceased individual and the cause and manner of death.

(21)
(i) Draft minutes of any meeting of an agency until the next regularly scheduled meeting of the agency.
(ii) Minutes of an executive session and any record of discussions held in executive session.

(22)
(i) The contents of real estate appraisals, engineering or feasibility estimates, environmental reviews, audits or evaluations made for or by an agency relative to the following:
   (A) The leasing, acquiring or disposing of real property or an interest in real property.
   (B) The purchase of public supplies or equipment included in the real estate transaction.
   (C) Construction projects
(ii) This paragraph shall not apply once the decision is made to proceed with the lease, acquisition or disposal of real property or an interest in real property or the purchase of public supply or construction project.

(23) Library and archive circulation and order records of an identifiable individual or groups of individuals.

(24) Library archived and museum materials, or valuable or rare book collections or documents contributed by gift, grant, bequest or devise, to the extent of any limitations imposed by the donor as a condition of the contribution.

(25) A record identifying the location of an archeological site or an endangered or threatened plant or animal species if not already known to the general public.

(26) A proposal pertaining to agency procurement or disposal of supplies, services or construction prior to the award of the contract or prior to the opening and rejection of all bids; financial information of a bidder or offeror requested in an invitation for bid or request for proposals to demonstrate the bidder’s or offeror’s economic capability; or the identity of members, notes and other records of agency proposal evaluation committees established under 62 Pa.C.S. § 513 (relating to competitive sealed proposals).
(27) A record or information relating to a communication between an agency and its insurance carrier, administrative services organization or risk management office. This paragraph shall not apply to a contract with an insurance carrier, administrative service organization or risk management office or to financial records relating to the provision of insurance.

(28) A record of information:

(i) Identifying an individual who applies for or receives social services; or

(ii) Relating to the following:

(A) The type of social services received by an individual;

(B) An individual’s application to receive social services, including a record or information related to an agency decision to grant, deny, reduce or restrict benefits, including a quasi-judicial decision of the agency and the identity of a caregiver or others who provide services to the individual; or

(C) Eligibility to receive social services, including the individual’s income, assets, physical or mental health, age, disability, family circumstances or record of abuse.

(29) Correspondence between a person and a member of the General Assembly and records accompanying the correspondence which would identify a person that requests assistance or constituent services. This paragraph shall not apply to correspondence between a member of the General Assembly and a principle or lobbyist under 65 Pa.C.S. Ch. 13A (relating to lobbyist disclosure).

(30) A record identifying the name, home address or date of birth of a child 17 years of age or younger.

(31) Financial records- The exceptions set forth in subsection (b) shall not apply to financial records, except that an agency may redact that portion of a financial record protected under subsection (b)(1), (2), (3), (4), (5), (6), (16) OR (17). An agency shall not disclose the identity of any individual performing an undercover or covert law enforcement activity.

(32) Aggregated data- The exceptions set forth in subsection (b) shall not apply to aggregated data maintained or received by an agency, except for data protected under subsection (b)(1), (2), (3), (4), (5).

(33) Construction- In determining whether a record is exempt from access under this section, an agency shall consider and apply each exemption separately.
Lock Haven University

Standard Open Records Request Form

Date Requested

Request Submitted By

E-Mail  US Mail  Fax  In Person

Name of Requester

Street Address

City/State/Zip/County

Telephone

Records Requested (Provide as much specific detail as possible so the agency can identify the information.)

Do you want copies?  Yes  No

Do you want to inspect the records?  Yes  No

Open Records Officer

Amy G Dicello
301 West Church Street
Lock Haven University
Lock Haven, PA 17745

Date Received By the Agency

Agency 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 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.)

Updated: June 2020