

**CITY OF BETHLEHEM  
10 East Church Street  
Bethlehem, PA 18018**

**CITY OF BETHLEHEM "RIGHT-TO-KNOW LAW" POLICY**

**Access to Public Records**

The purpose of this Policy is to ensure compliance with the Pennsylvania Right-to-Know Law, 65 P.S. § 67.101 et seq., as amended, to provide access to public records of the City of Bethlehem ("City"), to preserve the integrity of the City's records, and to minimize the financial impact to the City's residents regarding the resources utilized in the receipt and processing of public record requests and the retrieval and coping of public records.

It is the policy of the City to reserve its right to require the presence of a designated employee when the City, acting in its sole discretion, deems it appropriate to do so, when public records are examined and inspected and to charge reasonable fees for duplication of the City's public records.

1. The City shall designate an Open-Records Officer who shall receive requests for records submitted to the City, direct requests to other appropriate persons within the City or to appropriate persons in another agency, track the City's progress in responding to requests and issue interim and final responses under the Right-to-Know Law.

2. The Open-Records Officer is responsible for minimizing, where possible, the financial impact to the City regarding the resources utilized in the receipt and processing of record requests and the retrieval and copying of public records.

3. All requests for access to records for inspection and/or duplication shall be in writing and shall identify and describe each record sought with sufficient specificity to enable the City to ascertain which record is being requested. The written request must be addressed to the "Open-Records Officer" and may be submitted in person, by mail, by e-mail or by facsimile. The request must include the name and address of the requester to which the City should address its response.

4. A requester may mail a request for access to records to:

City of Bethlehem  
Solicitor's Office  
Attn: Open Records Officer  
10 East Church Street  
Bethlehem, PA 18018

A requester may submit a request by facsimile to: 610-865-7205,  
Attn: Open Records Office.

A requester may email a request to: [righttoknowrequest@bethlehem-pa.gov](mailto:righttoknowrequest@bethlehem-pa.gov).

5. In no case shall the City be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the City does not currently compile, maintain, format or organize the record.

6. All written requests for records shall be made on the City's Right-to-Know Request form, which may be found at <http://bethlehem-pa.gov/about/RighttoKnow/RIGHTTOKNOWREQUESTFORM.pdf> or on the Right-to-Know request form generated by the Office of Open Records, which may be found at <https://www.dced.state.pa.us/public/oor/Form-UniformRequest.pdf>.

7. Upon receipt of a written request for access to a record, the Open-Records Officer shall make a good faith effort to determine if the record requested is a public record and whether the City has possession, custody or control of the identified record. While a requester will generally be presumed to be entitled to access a record in the possession and control of the City, the City may deny access if the record is exempted from access pursuant to Section 708(b) of the Right-to-Know Law, 65 P.S. § 67.708(b), or if the record is protected by a privilege, or if the record is exempt from disclosure pursuant to Federal or State law or regulation or judicial order or decree.

8. Generally, the City has five (5) business days from the date the City's Open-Records Officer receives the written request to respond to the request. If the City fails to send the response within five (5) business days of receipt of the written request for access, the request for access shall be deemed denied

9. The five-day response period can be extended in the following cases:

- (1) the request for access requires redaction of a record;
- (2) the request for access requires the retrieval of a record stored in a remote location;
- (3) a timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations;
- (4) a legal review is necessary to determine whether the record is a record subject to access under the Right-to-Know Law;
- (5) the requester has not complied with the agency's policies regarding access to records;
- (6) the requester refuses to pay applicable fees authorized by the Right-to-Know Law; or
- (7) the extent or nature of the request precludes a response within the required time period.

10. Upon a determination that one of these seven factors applies, the City's Open-Records Officer shall send written notice to the requester within five (5) business days of receipt of the request for access. The notice shall include a statement notifying the requester that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided and an estimate of applicable fees owed when the record becomes available. If the date that a response is expected to be provided is in excess of thirty (30) days, following the initial five (5) business day period the request for access shall be deemed denied unless the requester has agreed in writing to an extension to the date specified in the notice. If the requester agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice if the City has not provided a response by that date.

11. If the City denies a written request for access to a record, it shall issue its denial in writing. The written denial shall include:

- (1) A description of the record requested.
- (2) The specific reasons for the denial, including a citation of supporting legal authority.
- (3) The typed or printed name, title, business address, business telephone number and signature of the open-records officer on whose authority the denial is issued.
- (4) Date of the response.
- (5) The procedure to appeal the denial of access under the Right-to-Know Law.

12. Generally, if a written request for access to a record is denied or deemed denied, the requester may file an appeal with the Office of Open Records within fifteen (15) business days of the mailing date of the City's response or within fifteen (15) business days of a 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 City for delaying or denying the request.

13. If, however, a written request for access to a record is denied on the basis that the request seeks access to criminal investigative records, the requester, if he or she wishes to file an appeal, must file the appeal with the appeals officer designated by the district attorney of either Lehigh County or Northampton County. In its denial letter, the City will advise the requester of the appropriate county in which to file the appeal. The appeal must be filed within fifteen (15) business days of the mailing date of the City's denial letter.

14. If the City determines that a public record contains information which is subject to access as well as information which is not subject to access, the City's response shall grant access to the information which is subject to access and deny access to the information which is not subject to access. If the information which is not subject to access is an integral part of the public record and cannot be separated, the City shall redact from the record the information which is not subject to access, and the response shall grant access to the information which is subject to access. Information which the City redacts shall be deemed a denial of the redacted information for calculating appeal deadlines.

15. If a written request for access is granted, the public record shall be available for access during the City's regular business hours. The record shall be provided to the requester in the medium requested, if the record exists in that medium. The Open-Records Officer shall fully cooperate with the requester, while also taking reasonable measures to protect City records from the possibility of theft and/or modification. The City, in its sole discretion, will determine when the presence of the Open-Records Officer or some other City employee is required when public records are examined, inspected and/or duplicated.

16. The City may also respond to a written request by notifying the requester that the record is available through publicly accessible electronic means or that the City will provide access to inspect the record electronically. If the requester is unwilling or unable to access the record electronically, the requester may, within 30 days following receipt of the City's notification, submit a written request to the City to have the record converted to paper. The City shall provide access to the record in printed form within five days of the receipt of the written request for conversion to paper.

17. All applicable fees shall be paid in order to receive access to the record requested. These may include unpaid fees in connection with previous requests for records. Fees for duplication of public records shall be as follows:

Photocopying: 25 cents (\$0.25) per page.

Duplication of public electronic and/or tape records:  
actual cost to the City of duplicating the records.

Certified copies: \$1.00 per page.

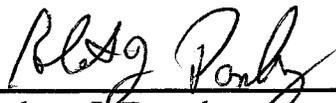
Postage: actual cost to the City of mailing.

The City may in its discretion waive fees.

In the event the estimated cost of fulfilling a request is expected to exceed \$100.00, the Open-Records Officer shall obtain fifty percent (50%) of the expected costs in advance of fulfilling the request. The requester shall pay the balance prior to receiving access to the requested records.

18. This policy shall take effect immediately.

Approved:  
CITY OF BETHLEHEM



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Robert J. Donchez  
Mayor

Date: 2/26/14