

**MIFFLIN COUNTY**  
**RIGHT TO KNOW POLICY**

**Open Records Officer of MIFFLIN COUNTY:**

Michael R. Baker  
20 North Wayne Street  
Lewistown, PA 17044  
717-248-6733  
Fax 717-248-3695  
Email: [mbaker@mifflincountypa.gov](mailto:mbaker@mifflincountypa.gov)  
Website: [www.mifflincountypa.gov](http://www.mifflincountypa.gov)

**Office of Open Records within the  
Pennsylvania Department of Community  
and Economic Development**

**Address:** Commonwealth Of Pennsylvania  
Office of Open Records  
Commonwealth Keystone Building  
333 Market Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17126-0333  
717-346-9903

**E-Mail:** [openrecords@pa.gov](mailto:openrecords@pa.gov)

**Executive Director:** Liz Wagenseller

**Deputy Director:** Nathan Byerly

**Open Records Officer Registration:** Please e-mail [OROregistration@pa.gov](mailto:OROregistration@pa.gov) with the Open Records Officer's name, business address, phone number, fax number and e-mail address. Also include the name of the local agency represented and the department if applicable.

# MIFFLIN COUNTY

## RIGHT TO KNOW POLICY

APPROVED DATE: December 31, 2008

EFFECTIVE DATE: January 1, 2009

LAST UPDATED: August 29, 2024

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### I. PURPOSE

On February 14, 2008, Act 3 of 2008 was passed into law amending the Pennsylvania Right To Know Law (65 P.S. §67.101 et seq.). The Act governs the rights of the public to inspect and obtain copies of public records. Mifflin County (the “County”) recognizes the value of the public’s right to information and is committed to continually improving public access to information and fostering public participation in the decision-making process. The effective date of the Act is January 1, 2009.

### II. DEFINITIONS

A “*Public Record*” is defined pursuant to 65 P.S. §67.101 as “*a record, including a financial record, of a Commonwealth or local agency that:*

- *Is not exempt under section 708;*
- *Is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; and*
- *Is not protected by a privilege.*

NOTE: *The County will disclose identifiable and existing public records but is not required to synthesize, compile, maintain, format, or organize records in response to a request.*

### III. REQUEST FOR PUBLIC RECORDS

All Right-to-Know Law requests must be submitted to and received by the County’s Open Records Office, the contact information for which is attached as Appendix A. All Right-to-Know Law requests must be submitted in writing and on the approved form set forth in Appendix B.

#### Written requests must include:

- Name of person requesting the records. **The County will not grant anonymous requests.**
- Mailing address to which a written reply and/or the requested information can be sent.
- 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 type of information, and the county department which has custody of the record.
- The written request does not need to include an explanation of the requestor’s reason for the request or the requestor’s intended use of the record(s).
- An agreement to reimburse the cost of reproducing the records requested.

### IV. REQUEST FOR INSPECTION OF PUBLIC RECORDS

To inspect requested records, an appointment with the Open Records Officer should be made by the requester. Public records are open to inspection and for duplication during normal office hours, which are 8:00 am to 4:00 pm Monday through Friday, except for holidays, subject to the regulations set forth herein. When the requester arrives to review the records, the person will be asked to present photo identification or some other form of positive identification. **No records may be removed from the County offices.**

## **V. OPERATING PROCEDURES**

Within five (5) business days of receipt of a written request:

- The Open Records Officer will record the request in a logbook, compute the date for response (five [5] business days from the date of actual receipt of the request by the Open Records Officer), make a copy of the request, and create a file for the request and subsequent correspondence.
- The Open Records Officer will do a thorough search for the requested records, contact any appropriate individuals or agencies having involvement with or knowledge of the requested records, and identify any exempt records or other records not subject to disclosure under the Right-to-Know Law.
- The Open Records Officer shall review, sign, mail/email, and log the response to the requester. A response must be sent within five (5) business days of receiving any written request. The response may be one of the following:
  - a. The requested records will be provided. The response will also include appropriate information about how and when the requester can visit the County Courthouse to view and duplicate the requested records.
  - b. The request may be denied. If a request is denied in whole or in part, the denial will contain a brief description of the records requested, the reason(s) for the denial, including, if applicable, a 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, the date of the response, and the procedure to appeal the denial of access under the Right To Know Law.
  - c. The response may be a statement that the County needs an extension as permitted under the Right to Know Law (not to exceed thirty [30] days) to respond if one or more of the following reasons apply:
    - i. The requested records require redaction (blacking out of sections of the records that are not public).
    - ii. The requested record requires retrieval from remote location.
    - iii. The requested records require legal review.
    - iv. The requestor has not complied with the County's Policy.
    - v. A timely response cannot be made due to staffing limitations.
    - vi. The requestor refuses to pay the applicable fees set forth by this Policy.
  - d. The response shall include any applicable fees; in the case of an extension, estimated applicable fees shall be included.

After the Open Records Officer responds that some or all of the records requested are available:

- a. The Open Records Officer will provide access to the records as arranged with the requester.
- b. If the records are electronic, the Open Records Officer may convert the electronic records to paper form if requested by the requester.
- c. If the County will make copies and if copying costs are expected to exceed \$100, then prior to making copies, the Open Records Officer will collect a deposit equal to the lesser of \$100 or 25% of the estimated cost and log payment upon receipt. Upon delivery of copies, the Open Records Officer will collect any unpaid fees and log payment upon receipt.

## **VI. APPEAL OF DENIAL**

If a requester wishes to dispute a denial by the County, the requester must file a written appeal with the Office of Open Records, which shall include the reasons why the requester believes the records requested are subject to disclosure and the County's reasons for denial of the request. The appeal shall be sent to:

Commonwealth Of Pennsylvania  
Office of Open Records  
333 Market Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17126-0333

The appeal must be mailed to the Office of Open Records within fifteen (15) business days of the mailing date indicated on the County's response.

An Appeals Officer appointed by the Office of Open Records shall review the appeal and set a schedule for the requester and the County to submit records in support of their position. The Appeals Officer may elect to hold a hearing. The Appeals Officer will make a final decision within thirty days of the date the appeal is received. If a party disagrees with the determination of the Appeals Officer, that party may file a petition for review with the Mifflin County Court of Common Pleas.

## **VII. SCHEDULE OF FEES**

A schedule of fees is attached as Appendix C

## APPENDIX A

### Open Records Officer

**NAME:** Michael R. Baker, Open Records Officer

**ADDRESS:** 20 North Wayne Street  
Lewistown, PA 17044

**PHONE:** 717-248-6733

**FAX:** 717-248-3695

**E-MAIL:** [mbaker@mifflincountypa.gov](mailto:mbaker@mifflincountypa.gov)



## Standard Right-to-Know Law Request Form

*Good communication is vital in the RTKL process. Complete this form thoroughly and retain a copy; it may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied.*

**SUBMITTED TO AGENCY NAME:** \_\_\_\_\_ (Attn: AORO)

Date of Request: \_\_\_\_\_ Submitted via:  Email  U.S. Mail  Fax  In Person

**PERSON MAKING REQUEST:**

Name: \_\_\_\_\_ Company (if applicable): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Email: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

How do you prefer to be contacted if the agency has questions?  Telephone  Email  U.S. Mail

**RECORDS REQUESTED:** *Be clear and concise. Provide as much specific detail as possible, ideally including subject matter, time frame, and type of record or party names. RTKL requests should seek records, not ask questions. Requesters are not required to explain why the records are sought or the intended use of the records unless otherwise required by law. Use additional pages if necessary.*

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**DO YOU WANT COPIES?**  Yes, printed copies (*default if none are checked*)  
 Yes, electronic copies preferred if available  
 No, in-person inspection of records preferred (*may request copies later*)

Do you want **certified copies**?  Yes (*may be subject to additional costs*)  No  
*RTKL requests may require payment or prepayment of fees. See the [Official RTKL Fee Schedule](#) for more details.*

**Please notify me if fees associated with this request will be more than**  \$100 (or)  \$\_\_\_\_\_.

**ITEMS BELOW THIS LINE FOR AGENCY USE ONLY**

Tracking: \_\_\_\_\_ Date Received: \_\_\_\_\_ Response Due (5 bus. days): \_\_\_\_\_

30-Day Ext.?  Yes  No (If Yes, Final Due Date: \_\_\_\_\_) Actual Response Date: \_\_\_\_\_

Request was:  Granted  Partially Granted & Denied  Denied Cost to Requester: \$\_\_\_\_\_

Appropriate third parties notified and given an opportunity to object to the release of requested records.

## APPENDIX C

### SCHEDULE OF FEES

<b>Record Type</b>	<b>Fee</b>
<b>Copies</b> (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" page)	\$0.25 per page
<b>Certification of a Record</b>	\$1.00 per record, not per page. Please note that certification fees do not include notarization fees.
<b>Specialized documents</b> (such as, but not limited to, blue prints, color copies, non-standard sized documents)	Actual Cost
<b>Facsimile/Microfiche/Other Media</b>	Actual Cost
<b>Redaction Fee</b>	No redaction fee may be imposed
<b>Conversion to Paper</b>	If a record is only maintained electronically or in other non-paper media, duplication fees shall be limited to 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 (Sec 1307(e)).
<b>Postage Fees</b>	Fees for postage may not exceed the actual cost of mailing.