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PHILADELPHIA SHERIFF'S OFFICE RIGHT-TO-KNOW LAW (RTKL) PROCEDURES

CONTACT INFORMATION

The Philadelphia Sheriff's Office will not fulfill Right-to-Know Law (RTKL) requests that are (1) verbal; or, (2) anonymous verbal or written. Oral or anonymous requests are summarily denied.

Written RTKL requests can be submitted to the Sheriff's Office Open-Records Officer (ORO) via U.S. mail. Any such request must be addressed as follows:

PHILADELPHIA SHERIFF'S OFFICE
OPEN RECORDS OFFICER
100 SOUTH BROAD STREET – 5TH FLOOR
PHILADELPHIA, PA 19110

Written RTKL requests can be submitted to the ORO in person. Requests that are submitted in person must be delivered to the Office, Monday through Friday, 8:30 a.m. to 3:30 p.m., at the following address:

PHILADELPHIA SHERIFF'S OFFICE
OPEN RECORDS OFFICER
100 SOUTH BROAD STREET – 5TH FLOOR
PHILADELPHIA, PA 19110

Written RTKL requests can be submitted to the ORO by facsimile transmission (FAX). The FAX Number for the ORO is 215.686.3579.

PHILADELPHIA SHERIFF'S OFFICE POLICIES RELATING TO THE RIGHT-TO-KNOW LAW

Part 1 – General Provisions

Section 1.1. Authority and Effect. These public policies are promulgated in accordance with the Commonwealth of Pennsylvania Right-to-Know Law, Act 2008-3 (S.B. 1), § 703, approved February 14, 2008.

Section 1.2. Effective Date. These policies are effective as of January 1, 2009, and shall remain in effect until superseded or withdrawn.

Section 1.3. Public Availability of Policies. These policies are available for inspection at the Philadelphia Sheriff's Office and are posted on the Sheriff's Office web site—www.phillysheriff.com. A copy of these policies may be obtained at no cost from the Open Records Officer.

Section 1.4. Definitions. When used in these policies and unless the context clearly indicates to the contrary, the following terms mean as follows:

“BUSINESS DAY” Monday through Friday, during Philadelphia Sheriff’s Office Main Desk regular business hours, except those days when the office is closed for all or part of a day.

“FINANCIAL RECORD” Any of the following:

- (1) Any account, voucher or contract dealing with:
 - (i) the receipt or disbursement of funds by an agency; or
 - (ii) an agency's acquisition, use or disposal of services, supplies, materials, equipment or property.
- (2) The salary or other payments or expenses paid to an officer or employee of an agency, including the name and title of the officer or employee.
- (3) A financial audit report. The term does not include work papers underlying an audit.

“OPEN RECORDS OFFICER REQUEST FORM” The form developed by the Philadelphia Sheriff’s Office for use in submitting RTKL requests to the Open Records Officer. The form is available at the Sheriff’s Office, 100 South Broad Street – 5th Floor, Philadelphia, PA 19110. The form is also available on the “www.phillysheriff.com” web site.

“OPEN-RECORDS OFFICER (ORO)” The person who officially receives all RTKL requests directed to the Sheriff’s Office. That person may, in his or her discretion, appoint other persons within the Sheriff’s Office to act on RTKL matters in his or her stead or absence.

“PERSONAL FINANCIAL INFORMATION” An individual's personal credit, charge or debit card information; bank account information; bank, credit or financial statements; account or PIN numbers and other information relating to an individual's personal finances.

“PRIVILEGE” The attorney-work product doctrine, the attorney-client privilege, the doctor-patient privilege, the speech and debate privilege or other privilege recognized by a court interpreting the laws of this Commonwealth.

“RECORD” (generally) Any information as it is currently compiled, maintained, formatted and/or organized within the Sheriff’s Office.

“REQUESTER” A person that is a legal resident of the United States and requests a record pursuant to this act. The term includes an agency.

“SECURITY” Measures taken to guard against sabotage, crime, attack or escape.

“SOCIAL SERVICES” Cash assistance and other welfare benefits, medical, mental and other health care services, drug and alcohol treatment, adoption services, vocational services and training, occupational training, education services, counseling services, workers' compensation services and unemployment compensation services, foster care services, services for the elderly, services for individuals with disabilities.

Part 2 – Submittal of Right-to-Know Law Requests

Section 2.1. RTKL Requests Submitted Using the Open Records Officer Request Form. A RTKL request may be submitted to the ORO using the Sheriff’s Office “Open Records Officer Request Form” that is set forth as Appendix A to these policies.

Section 2.2. RTKL Requests That Do Not Use The Open Records Request Form. Except as otherwise set forth herein, a RTKL request that does not use the Open Records Officer Request Form must include the following information:

- (a) Information identifying the requester, including (1) the full name of the requester; and, (2) the address to which the written response is to be sent.
- (b) A specific description of the documents. The request must identify or describe the documents to which access is sought. The documents must be identified with sufficient specificity to enable the Opens Record Officer to ascertain what documents are requested. A request that is insufficiently specific will be denied on that basis.
- (c) Type of access sought. The request must specify the type of access sought be the requester. When no statement to this effect is included, the request is presumed to be a request for a paper copy of the identified document(s) to be sent to the requester by U.S. Mail.

Part 3 – Processing Right-to-Know Law Requests

Section 3.1. The responsibility and function of the Sheriff’s Office ORO is to receive and respond to RTKL requests, and no other employee of the Sheriff’s Office is authorized to receive these requests or respond to them. A RTKL request must be set forth in a separate document and must be submitted to the ORO. Demands or requests for access to documents that are included in other types of documents (e.g. discovery requests) are inconsistent with these policies and will be denied on that basis.

Section 3.2. Generally, upon receipt of a written request for access to a record, the ORO will make a good faith effort to determine if the record requested is a public record, legislative record or financial record and whether the Sheriff’s Office has possession, custody or control of the identified record, and respond as promptly as possible under the circumstances existing at the time of the request. All applicable fees must be paid in order to receive access to the record requested. The ORO will respond to the request within five (5) business days from the date the written request was received by him/her.

Section 3.3. Requests Requiring an Extension of Time.

(a) Upon receipt of a written request for access, the ORO will determine if one of the following applies:

(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 specific staffing limitations; (4) a legal review is necessary to determine whether the record is a record subject to access; (5) the requester has not complied with the Sheriff's Office policies regarding access to records; (6) the requester refuses to pay applicable fees; or (7) the extent or nature of the request precludes a response within the required time period.

(b) Notice of the Need for an Extension of Time.

(1) Upon a determination that one of the factors listed in subsection (a) applies, the ORO will send written notice to the requester within five (5) business days of receipt of the request for access.

(2) 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 within the next thirty (30) days 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 five (5) business days allowed for the initial response, the Notice will include a request that the requester agree in writing to an extension to a specific date.

(3) If the requester agrees to the extension, the ORO will provide a response by that date.

Section 3.4. Denial. If the ORO's response is a denial of the written request for access, whether in whole or in part, the denial will be issued in writing and will 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 ORO issuing the denial; (4) date of the response; and, (5) the procedure to appeal the denial of access under this act.

Section 3.5. Certified Copies. If the ORO's response grants a request for access, the Sheriff's Office will, upon request, provide the requester with a certified copy of the record if the requester pays the applicable fees.

Section 3.6 Record Discard. If the ORO's response to a requester states that copies of the requested records are available for delivery at the Sheriff's Office and the requester fails to retrieve the records within 60 days of the ORO's response, the Sheriff's Office will dispose of any copies which have not been retrieved and retain any fees paid to date.

Part 4 - Appeals

Section 4.1 Filing an Appeal.

(1) If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the Commonwealth of Pennsylvania, Department of Community and Economic Development, Office of Open Records, fifteen within 15 business days of the mailing date of the Sheriff's Office ORO's response or within 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, legislative record or financial record and shall address any grounds stated by the ORO's for delaying or denying the request.

(2) The Office of Open Records will assign an appeals officer to review the denial.

Part 5 - Fees

Section 4.1 Fees. Fees for duplication of records have been established and posted by the State Office of Open Records. The Philadelphia Sheriff's Office will charge \$0.25 per page for photocopies, which is consistent with the State Office of Open Records regulations.

The Philadelphia Sheriff's Office reserves the right to impose additional fees if it incurs costs for complying with a request, pursuant to the RTKL; such additional fees, when charged, will be reasonable. This includes, but is not limited to, fees for electronic copies and storage (CD's, floppy discs) and certified copies of documents.

Part 6 – Written Policies and Regulations

Section 6.1 Authority to Adopt and Amend. The Philadelphia Sheriff's Office and its ORO shall retain the discretion and authority to adopt any other written policies that are consistent with the RTKL, and these policies, as amended from time to time as deemed necessary and prudent, consistent with the RTKL.