

THE PHILADELPHIA PARKING AUTHORITY

Right To Know Law Policy

1. **PURPOSE.** To set out the policy of The Philadelphia Parking Authority (the "Authority") concerning the receipt of and response to requests for public records ("Request") pursuant to the Act of February 14, 2008, P.L. 6, No. 3, (the "Act"). The Act is available for review at <http://openrecords.state.pa.us>.

2. **POLICY.** In order for the Authority to comply with its obligation to respond to Requests in a timely manner an unambiguous request and review process is essential.

3. **SCOPE.** This Policy establishes the process and procedures that the Authority will follow when responding to Requests. The Act contains many mandatory and discretionary provisions which need not be restated here, but which are applicable to this Policy. In no event may this Policy be deemed a waiver of any right available to the Authority under the Act.

4. PROCEDURE FOR RESPONDING TO REQUESTS.

a) **Open Records Officer.** The function of the Open Records Officer is to receive all Requests submitted to the Authority and to be responsible for the issuance of interim and final responses to Requests. The Executive Director shall name the Open Records Officer in writing and post that writing along with this Policy on the Authority's Website. The address of the Open Records Officer is: The Philadelphia Parking Authority, 701 Market Street, Suite 5400, Philadelphia, PA 19106.

b) **Requests.** The Authority will only consider Requests submitted through completion of the Request Form attached here to as Exhibit "A". Anonymous or verbal requests will not be considered. The Request form may only be submitted as follows:

- i. by mail or hand delivery to the Open Records Officer at the Authority's Headquarters at 701 Market Street, Suite 5400, Philadelphia, PA 19106;
- ii. by facsimile to 215-683-9709; or
- iii. by email to OpenRecordsOfficer@philapark.org.

c) **Response Period.** The Act requires that the Open Records Officer respond to a Request within 5 business days, or provide notice to the requester of the need to extend the response time for certain causes set forth in the Act for a period not greater than 30 calendar days ("Interim Response"), although the Open Records Officer and the requester may agree to a response time greater than 30 days. The failure of the Open Records Officer to respond by the required deadline constitutes a denial under the Act.

d) **Calculation Period.** A business day shall be any Monday, Tuesday, Wednesday, Thursday, or Friday, except those days when the offices of the Authority are closed for all or part of a day. The regular business hours of the Open Records Officer are 9:00 a.m. to 4:30 p.m.

Any Request received by the Open Records Officer after the close of regular business hours shall be deemed to have been received by that office 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 Authority's next business day.

e) **Processing of Requests.** Upon receiving a Request, the Open Records Officer shall date-stamp and copy the Request, including all documents submitted with it and the envelope (if any) in which it came and forward a copy of the Request to the Authority's Office of General Counsel. The General Counsel's Office shall then:

- i. assign a tracking number to the request, and provide that number to the Open Records Officer;
- ii. 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, and confirm the expiration date with the Open Records Officer;
- iii. create an official file for the retention of the Request;
- iv. record the Request in the electronic system used by the Authority for tracking Requests; and
- v. provide continuing legal advice to the Open Records Officer.

f) **Responsibilities of Authority Departments.** The various departments of the Authority will from time-to-time be contacted by the Open Records Officer for assistance in the marshaling and review of records potentially responsive to Requests. It is the responsibility of each department head to appoint a primary contact person for interaction with the Open Records Officer in order to meet the timelines established by the Act. Departmental records potentially responsive to the Request shall be forwarded to the Open Records Officer for review prior to disclosure to the requesting party.

g) **Written Final Response.** In general 3 types of written final responses to a Request are possible, a response which grants the entire Request, refuses the entire Request, or grants part of the Request and refuses the remainder. A Request will be granted if the record requested is required for release by the Act and does not involve one of the statutory exemptions.

h) **Denials.** In the event the Open Records Officer denies all or part of a Request the following must be provided in the response to the requester as to the records denied release:

- i. a description of the record requested;
- ii. the specific reasons for the denial, including a citation of supporting legal authority;
- iii. 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;
- iv. date of the response; and
- v. the procedure to appeal the denial of access under the Act.

i) **Redaction.** The Authority is required by the Act to release a record which contains information not otherwise subject to release if the information not subject to release can be redacted from the record. "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. The Authority is not required to alter its original records.

j) **Duplication of public records.** A public record must be accessible for duplication by a requester. The Authority may either make copies itself or, in its discretion allow the requester to bring the necessary equipment to make its own copies. The Authority may make its duplication equipment available to a requester but require that the requester operate the equipment; the Authority may assign its own staff to make the duplications requested by the requester; or it may contract for duplication services and require that the requester pay the contractor for those services.

5. FEES AND CHARGES. The fees set forth in Exhibit "B" shall apply to Requests as applicable and all fees must be paid in full prior to receipt of the responsive records.