

**NOTICE: THE E-MAIL AND WEBSITE ADDRESSES IDENTIFIED BELOW
ARE FOR RIGHT-TO-KNOW INFORMATION REQUESTS ONLY – DO NOT
USE THESE ELECTRONIC ADDRESSES FOR FILING A CONTRACT CLAIM
WITH THE BOARD.**

PENNSYLVANIA BOARD OF CLAIMS

RIGHT TO KNOW LAW POLICY

Effective January 1, 2009

Pursuant to Section 504 of the Right-to-Know Law, 65 P.S. §67.101 et seq. (RTKL), the Board of Claims (“BOC”) sets forth the following policies, process and procedures, regarding responses by BOC to requests made pursuant to the RTKL

I. REQUESTS

A. Written request.

A written request to BOC under the RTKL must:

1. Be addressed to the BOC Open Records Officer:

Jeffrey M. DiCello
Open Records Officer
Pennsylvania Board of Claims
200 North 3rd Street, Ste. 700
Third and Locust Streets
Harrisburg, PA 17101-1518
Fax # 717-787-0415
Tel. # 717- 787-3325
e-mail: RTK-request@boc.state.pa.us

2. Identify a name and address to which BOC should address its response;
3. State that the request is being made pursuant to the RTKL;
4. Be submitted in person, by mail, by e-mail or by facsimile;
5. Be sufficiently specific to enable BOC to ascertain which records are being requested; and
6. Be from a person that is a legal resident of the United States.

B. Verbal request.

All requests to BOC must be in writing. The requestor cannot pursue the relief and remedies provided under the RTKL unless the request is in writing.

C. Request form.

RTKL requests may be made using either:

1. The Pennsylvania Board of Claims Right-to-Know Law Request Form, available at the BOC website at http://sites.state.pa.us/PA_Exec/BOC/; or
2. The form available at the website of the Office of Open Records at: <http://openrecords.state.pa.us>.

D. BOC business hours.

The regular business hours of the BOC are 8:30 a.m. to 4:30 p.m., Monday through Friday. Any RTKL request received by the BOC after the close of regular business hours shall be deemed to have been received by that office on the following business day.

E. Public records.

RTKL requests received by BOC will be considered “public record” information by BOC and such requests may be made available for public access through its website.

II. RESPONSES

BOC will respond to a request within 5 business days. If a longer period of time is needed, BOC will provide an “interim response” (as discussed in paragraph A below). For purposes of determining the end of the 5 business day period, the day that a RTKL request is received is not counted. The first day of the 5 business day period is BOC’s next business day.

The Open Records Officer may respond by providing a requestor with access to inspect a record electronically or as otherwise maintained by BOC, either:

1. By providing access in the offices of BOC;
2. By sending a copy to the requestor; or
3. By notifying the requestor that the record is available through publicly accessible electronic means.

Each of these options is a "response" for purposes of the RTKL, as is BOC's written notice to the requestor granting, denying or partially granting and partially denying access to a record. BOC may send written responses to requestors by United States mail, by hand (in person or by delivery service), by facsimile or, by e-mail.

A. Interim Response.

BOC must provide a final response to a RTKL request within 5 business days unless one or more specific conditions are satisfied and the Open Records Officer gives the requestor written notice that additional time will be required. That notice is referred to as an "interim response."

BOC's Open Records Officer may send an interim response if any of the following apply:

1. The RTKL request requires redaction of a public record;
2. The RTKL request requires retrieval of a record from a remote location;
3. A response within the 5 business day period cannot be accomplished due to bona fide staffing limitations, which limitations must be specified in the interim response;
4. A legal review is necessary to determine whether the record requested is subject to access under the Act;
5. The requestor has not complied with BOC's policies regarding access to public records;
6. The requestor has not complied with a demand for prepayment of fees, which are required to fulfill the RTKL request and which are estimated to exceed \$100; further, if prepayment of fees is required by BOC, the time period for response shall be tolled from the time the demand for payment is made until such time as payment is actually received; or
7. The extent or nature of the request precludes a response within the required time period.

An interim response from BOC will:

1. Be sent to the requestor on or before the last day of the 5 business day period;
2. State that the request is being reviewed and the reason for the review;

3. Give an estimate of applicable fees owed when the record becomes available; and
4. State a reasonable date that a response is expected to be provided. This date must not be more than 30 calendar days from the end of the 5 business day period.

If the date of an expected response is in excess of 30 days following the 5 business days referred to above, the request will be deemed denied unless the requestor has agreed in writing to the date specified in the notice.

B. Final Response.

There are three possible final responses from the Open Records Officer. Either the request is:

1. Granted;
2. Denied; or
3. Granted in part and denied in part.

The failure to make a timely response is deemed to be a denial.

If a written request is denied in whole or in part, the Open Records Officer will issue a final written response that will explain the procedure for the requestor to appeal, if the requestor chooses to do so. The written denial will also set forth the specific reasons for the denial, including a citation to supporting legal authority. If the denial is the result of a determination that the record requested is exempt from disclosure, the Open Records Officer will include the specific reasons for that determination.

C. Redaction.

The Open Records Officer will not deny access to a record based upon the fact that portions of the record are not public records and, as a result, not subject to disclosure. In that case, the portions of the record that are not public records will be redacted before the record is produced.

D. Access.

The Open Records Officer may provide a requestor with access to inspect a record electronically or as otherwise maintained by BOC, either:

1. By providing access in the offices of BOC;
2. By sending a copy to the requestor; or

3. By notifying the requestor that the record is available through publicly accessible electronic means.

BOC has the discretion to determine the building(s) and room(s) that will be used to provide a requestor with access to BOC's public records. The selection of buildings and rooms for access to BOC's public records is a matter within the discretion of the Open Records Officer.

The Open Records Officer will provide a public record to a requestor in the medium requested if the record exists in that medium. Otherwise, the public record will be provided in the medium in which it exists. If a public record only exists in one medium, BOC is not required to convert that public record to another medium, except that if the public record is only available in electronic form, the Open Records Officer will print it out on paper if the requestor so requests.

BOC is not required to create a public record that does not already exist, nor is it required to compile, maintain, format, or organize a public record in a manner in which BOC does not currently do so.

E. Duplication of Public Records.

BOC may either make copies itself or, in its discretion, allow the requestor to bring the necessary equipment to make its own copies. BOC may make its duplication equipment available to a requestor but require that the requestor operate the equipment; assign BOC staff to make the duplications; or contract for duplication services and require the requestor to pay the applicable rate.

III. APPEALS

A. Requestor appeal.

When a request is denied or deemed denied, whether in whole or in part, the requestor may file an appeal with the Office of Open Records where it will be assigned to an Appeals Officer. This appeal must be made in writing and must be filed within 15 business days of the denial or within 15 business days of a deemed denial. The appeal must state the grounds upon which the requestor asserts that the record is public, and should address any grounds stated by the Open Records Officer for delaying or denying the request. A determination of the Appeals Officer shall be the final determination of an appeal.

The appeal should be sent to:

The Commonwealth Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level

Harrisburg, PA 17120-0225
Phone: 717-346-9903
Email: openrecords@state.pa.us

A person other than BOC or the requestor, with a direct interest in the record that is subject to an appeal, has 15 days following actual knowledge of the appeal, but no later than the date the Appeals Officer issues an order, to file a written request to provide information or to appear before the Appeals Officer in support of the requestor's or BOC's position in the appeal. The Appeals Officer may, but needs not, grant the request.

For further information on appeals, refer to the website of the Office of Open records at <http://openrecords.state.pa.us>.

IV. FEES

Applicable fees to be charged by BOC under the RTKL are as follows:

A. Fees Determined by the Office of Open Records.

Under the RTKL, the Office of Open Records has the authority to establish two fees for Commonwealth agencies: Duplication, 65 P.S. §67.1307(b); and Enhanced Electronic Access (an agency may establish user fees, subject to approval by the Office of Open Records), 65 P.S. §67.1307 (e).

1. The fees for duplication are established by the Office of Open Records, as posted on its website at <http://openrecords.state.pa.us>. BOC will charge the following fees for duplication:

1-10 photocopies	No charge
11 or more photocopies	\$0.15 per copy

2. BOC does not currently have a fee for enhanced electronic access.

B. Specialized Fees.

BOC will charge specialized fees as follows:

1. \$1 per copy for certified copies, when requested by the requestor.
2. BOC will pay United State Postal Service postage for records fitting into a standard letter-sized envelope. The requestor will pay postage for all other forms of mailing.
3. Special rules apply to fees for transcripts of administrative proceedings:

(i) Prior to an adjudication becoming “final, binding and nonappealable,” transcripts may be requested through BOC, however the stenographer or court reporter is permitted to charge the regular fee for this service.

(ii) Following an adjudication becoming “final, binding and nonappealable,” a request for the transcript shall be treated like any other request for a record and the usual duplication fee will be charged.

C. Reasonable and Necessarily Incurred Costs.

As expressly provided by 65 P.S. §67.1307(g), BOC has the authority to charge requestors reasonable fees for necessarily incurred costs. BOC will determine and charge such fees on a case by case basis.

D. General.

No charge shall be made for agency or legal review of the record to see whether the requested records are public records that are subject to production.

If the estimated fees that are required to fulfill the RTKL request exceed \$100, it may be necessary for the requestor to pay the estimated amount in advance, either by certified check or by ordinary check, payable to the Commonwealth of Pennsylvania, which must first have cleared to be considered received by BOC. The demand for prepayment may specify a reasonable period of time in which the requestor must make such prepayment. If the requestor fails to make prepayment within the specified time, BOC is not required to produce the records requested.

All applicable fees must be paid in order to receive access to the record requested. 65 P.S. §67.901.

*Official Use Only –
Request Tracking Number*

*Official Use Only –
Date Stamp*

PENNSYLVANIA BOARD OF CLAIMS
Open Records Officer
200 NORTH 3RD STRET, Ste. 700
Third and Locust Streets
Harrisburg, Pennsylvania 17120-1518
Attn: Right-to-Know Law Request

Right-to-Know Law Request Form
(Please PRINT)

Name of Requestor: _____
Last First MI

Signature: _____ **Date:** _____

Mailing Address:

Street/P.O. Box

City State Zip Code

Telephone Number: _____ **Fax Number:** _____

Is the requester a legal resident of the United States of America?

(Check one) Yes ____ No ____

If "yes," provide the address of the resident, if different from the Mailing Address provided above:

Please identify each of the documents that is subject to this request. You must identify these documents with sufficient specificity so we may ascertain whether we have these documents and how to locate them. Use additional sheets of paper if necessary.

Please check one of the following:

____ I am only requesting access to the documents identified above.

____ I am only requesting a copy of the documents identified above.

____ Check here if you are requesting a certified copy if available.

____ I am requesting access to the documents identified above and a copy of those documents.