RIGHT TO KNOW LAW POLICY

I. PURPOSE:

Pursuant to Section 504 of the Right-to-Know Law, Pennsylvania Right-to-Know Law, 65 P.S. §67.101, et seq.(RTKL), Workforce Solutions for North Central PA ("Agency") sets forth the following policies, process and procedures, regarding responses by the Agency to requests made pursuant to the RTKL, in addition to complying with the policies set forth in Management Directive 205.36.

II. REFERENCES:

- Pennsylvania Right-to-Know Law (RTKL) – Act 3 of 2008, 65 P.S. § 67.101 et seq.
  Establishes the public's right to access government records and the procedures that public agencies must follow to respond to such requests.
- Commonwealth of Pennsylvania Office of Open Records (OOR) – www.openrecords.pa.gov
  Provides oversight, appeals administration, forms, training, and guidance related to the implementation of the Right-to-Know Law.
- Management Directive 205.36 – Commonwealth of Pennsylvania
  Outlines uniform standards for the implementation of the Right-to-Know Law across state agencies, including time frames, exemptions, and records retention.
- The Pennsylvania Sunshine Act (65 Pa. C.S. §§ 701-716)
  Complements the Right-to-Know Law by ensuring public access to meetings of agencies and decision-making bodies.
- Pennsylvania Historical and Museum Commission (PHMC) – Records Retention and Disposition Schedule
  Provides guidance on the maintenance and lawful destruction of public records consistent with state retention policies.
- Office of Administration (OA) – Information Technology Policies and Security Standards
  Establishes data protection protocols to ensure sensitive or exempt records are handled securely and that disclosure procedures are followed appropriately.
- Workforce Solutions for North Central Pennsylvania Policies:
- Records Management and Retention Policy
- Confidentiality and Data Security Policy
- Conflict of Interest and Ethics Policy
- Equal Opportunity and Nondiscrimination Policy
- Federal Freedom of Information Act (FOIA), 5 U.S.C. §552 -Serves as a federal counterpart to Pennsylvania's RTKL, promoting transparency at the federal level and influencing state and local

access-to-information practices

III. BACKGROUND:

The Pennsylvania Right-to-Know Law (RTKL), enacted as Act 3 of 2008, affirms the public's right to access government records and promotes transparency, accountability, and trust in public institutions. The law mandates that all records held by Commonwealth and local agencies are presumed to be public unless specifically exempted under state or federal law.

Workforce Solutions for North Central Pennsylvania ("the Agency") operates as the Local Workforce Development Board (LWDB) for the six-county North Central Workforce Development Area (Cameron, Clearfield, Elk, Jefferson, McKean, and Potter Counties). As a steward of public funds and a designated administrative entity for Workforce Innovation and Opportunity Act (WIOA) programs, the Agency recognizes its obligation to maintain transparency in its operations and decision-making.

This policy establishes a consistent and compliant process for receiving, reviewing, and responding to requests for public information. It ensures that Workforce Solutions:

- Adheres to all provisions of the RTKL and related state and federal requirements;
- Provides timely and accurate responses to record requests;
- Protects confidential or exempt information, including personally identifiable information (PII), proprietary data, and sensitive program materials;
- Maintains a clear recordkeeping and tracking process for requests, appeals, and responses; and
- Upholds the principles of openness and public confidence in government-funded workforce activities.

By implementing this policy, Workforce Solutions ensures that all individuals, including residents, media representatives, partner organizations, and other stakeholders, can access public records in a fair, orderly, and efficient manner, while protecting the integrity of confidential data maintained under WIOA and other applicable statutes.

IV. DEFINITIONS:

Agency – Workforce Solutions for North Central Pennsylvania, serving as the Local Workforce Development Board and administrative entity for the North Central Workforce Development Area.

Agency Open Records Officer (AORO) – The designated individual responsible for receiving, reviewing, tracking, and responding to all Right-to-Know Law requests submitted to Workforce Solutions in accordance with 65 P.S. §67.502.

Business Day – A calendar day in which the Agency's administrative office is open for regular business (8:00 a.m. to 4:30 p.m., Monday through Friday, excluding holidays or office closures).

Exempt Record – Any record that is not subject to public disclosure under the RTKL or other applicable federal or state statutes. This includes, but is not limited to, personnel records, confidential financial data, personal identification information, and security-related materials.

Final Response – The Agency's formal written reply granting, denying, or partially granting and denying a records request, issued within the statutory response time or within an extended time period as communicated via interim response.

Interim Response – A written notice from the Agency indicating that additional time is needed to respond to a records request and specifying the reason for delay and expected date of completion (not to exceed 30 calendar days).

Office of Open Records (OOR) – The Commonwealth entity responsible for administering the RTKL, providing training and guidance, and adjudicating appeals of denied requests.

Public Record – A record, including documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, information stored electronically, or any other material, that documents the activities or business of the Agency, subject to public access unless exempted under 65 P.S. §67.708.

Record – Information, regardless of form or medium, that documents a transaction or activity of the Agency and is created, received, or retained in connection with its business operations.

Requester – A person who is a legal resident of the United States and who submits a written request to the Agency for access to a public record.

Redaction – The process of removing or obscuring exempt or confidential information from a public record before disclosure.

Response – The Agency's written communication to a requester granting, denying, or partially granting a request for records, or advising that no responsive records exist.

Retention Schedule – A document that specifies the length of time records must be maintained before they are destroyed or archived, in accordance with state law and Agency policy.

Right-to-Know Law (RTKL) – The Pennsylvania statute (65 P.S. §67.101 et seq.) that governs public access to government records and establishes the process for requesting, responding to, and appealing such requests.

Trade Secret or Confidential Proprietary Information – Material or data that meets the definition under 65 P.S. §67.102, including business or financial information that provides a competitive advantage and is protected from public disclosure.

V. POLICY:

A. A written request to the Agency under the RTKL **must** :

Be addressed to the Agency Open Records Officer ("AORO"), as follows:

- By mail to:
  Pam Streich, Executive Director
  Workforce Solutions for North Central PA
  425 Old Kersey Road
  Kersey, PA 15846

- Deliver form in person during the regular business hours of the Department (between 8:00 AM and 4:30 PM, Monday-Friday) at:
  Workforce Solutions for North Central PA
  425 Old Kersey Road
  Kersey, PA 15846

- By Email to pstreich@ncwdb.org.

B. Identify a name and address to which the agency should address its response;

C. Indicate that the request is being made pursuant to the RTKL;

D. Be sufficiently specific to enable the Agency to ascertain which records are being requested; and

E. Be from a person that is a legal resident of the United States.

F. While verbal requests may be fulfilled by the Agency, the requester cannot pursue the relief and remedies provided under the RTKL unless the request is in writing.

G. RTKL requests must be submitted on the form attached to this policy.

H. The regular business hours of Agency office are 8:00 AM to 4:30 PM, Monday through Friday. Any RTKL request received by the RTKL Office after the close of regular business hours shall be deemed to have been received by that office on the following business day.

I. RTKL requests received by the Agency will be considered "public records" of the Agency and such requests may be made available for public access.

RESPONSES:

The AORO may respond by providing a requester with access to inspect a record electronically or as otherwise maintained by the Agency, either:

1. by providing access in the offices of the Agency, if agreed to by the requester,
2. by sending a copy to the requester; or

3. by notifying the requester that the record is available through publicly accessible electronic means and, if the requester writes to the agency within 30 days that the requester is unable or unwilling to access the information electronically, by then providing the records in paper format, upon payment for the same.

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

Unless a longer period of time is needed and communicated to the requester by an "interim response" (as discussed in paragraph A below), the RTKL requires that the Agency respond to an RTKL request within five business days. For purposes of determining the end of the five business day period, the day that a RTKL request is received is not counted. The first day of the five business day period is the Agency's next business day.

A. Interim Responses

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

The AORO 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 requester has not complied with the Agency's policies regarding access to public records;
6. The requester 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 the Agency, 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 must: 1) be sent to the requester 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; and 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 five days allowed for in Section 901, the request will be deemed denied unless the requester has agreed in writing to the date specified in the notice.

The Agency will send an interim response when the estimated fee for responding to the request is in excess of $100. Once the estimated payment is received, the agency will proceed to: 1) make a final determination as to what records, if any, are public records under the RTKL, 2) begin search and retrieval of those records, 3) perform any required redaction and 4) advise the requester, within 30 days, as to a date by when any responsive public records will be produced. Failure to make an estimated payment by the date required by the agency in its interim response will result in the request being deemed withdrawn.

B. **Final Responses**

There are three possible final responses. 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 Agency will issue a final written response that will include an explanation of the procedure for the requester to appeal, if the requester chooses to do so. The written denial will also set forth the specific reasons for the denial, including a citation of supporting legal authority. If the denial is the result of a determination that that the record requested is exempt from disclosure, the specific reasons for the Agency's determination shall be included.

Non-production of records due to the fact that a good faith search by the Agency does not produce any responsive records is not a denial of access.

C. **Redaction**

The Agency will not deny access to a public record based upon the fact that portions of the record are not public records and, as a result, not subject to disclosure. The Agency will redact the portions of a public record that are not public records and produce the portions that are public records.

D. **Access**

The Agency may provide a requester with access to inspect a record electronically or as otherwise maintained by the Agency, either: 1) by providing access in the offices of the Agency, if agreed to by the requester, 2) by sending a copy to the requester or 3) by notifying the requester that the record is available through publicly accessible electronic means and, if the requester writes to the agency within 30 days that the requester is unable or unwilling to access the information electronically, by then providing the records in paper format, upon payment for the same.

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

The Agency will provide a public record to a requester in the medium requested if the record exists in that medium. Otherwise, the public record must be provided in the medium in which it exists. If a public record only exists in one medium, the agency is not required to convert that public record to another medium, except that if the public record is only available in an electronic form, the agency must print it out on paper if the requester so requests.

The Agency 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 the Agency does not currently do so.

E. **Duplication of Public Records**

The Agency may either make copies itself or, in its discretion, allow the requester to bring the necessary equipment to make its own copies of information deemed public record. The Agency may make its duplication equipment available to a requester but require that the requester operate the equipment; assign Agency staff to make the duplications; or contract for duplication services and require the requester to pay the applicable rate.

APPEALS:

When a request is denied or deemed denied, whether in whole or in part, the requester may file an appeal with the Office of Open Records, where it will be assigned to an Appeals Officer. This appeal must be filed within 15 business days of the denial or deemed denial. The appeal must state the grounds upon which the requester asserts that the record is public, and should address any grounds stated by the agency for delaying or denying the request. The appeal shall be sent to the OOR at the address set forth below and simultaneously to the agency AORO, in the same manner as the appeal is sent to the OOR (e-mail, fax, mail or hand delivery) with:

1) the agency response,
2) the RTKL request and
3) the appeal form that is available on the OOR website at: http://openrecords.pa.gov/Documents/Appeals/Appeal_Form.pdf

The Commonwealth Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17120-0225
Phone: 717-346-9903

A person other than the Agency or the requester, 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 requester's or the agency's position in the appeal. The Appeals Officer may, but needs not, grant the request.

For further information on appeals, it is suggested that the requester review the website of the Office of Open Records.

FEES:

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

A. **Fees Determined by the Office of Open Records**

Unless otherwise directed by statute, the Agency will charge $.25 per page for duplication, although on-site publication may be at a reduced rate of $.15, at the discretion of the Agency.

Pursuant to this agency policy, an agency may waive duplication fees for 20 pages or less. Duplication charges are to be paid for any duplication in excess of 20 pages.

B. **Specialized Fees**

1. The Agency will charge $5 for certified copies, when requested by the requester, in addition to $.25 per page for duplication.

2. The Agency will charge the actual cost for postage, facsimile/microfiche or other media, as well as for specialized documents, except that postage fees will be waived for postage that costs under $1.00.

C. **Reasonable and Necessarily Incurred Costs**

As expressly provided by 65 P.S. §67.1307(g), the Agency has the authority to charge requesters reasonable fees for necessarily incurred costs. The Agency 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, the requester must pay the estimated amount in advance, either by certified check or by ordinary check, which must

first have cleared to be considered received by the Agency. The demand for prepayment will specify a reasonable period of time in which the requester must make such prepayment. Failure to make the estimated payment by the date required by the Agency in its interim response will result in the request being deemed withdrawn.

All applicable fees must be paid in order to receive access to the record requested. Any requester who has unpaid amounts outstanding to the Agency or to any agency under the Governor's jurisdiction, in relation to RTKL requests where production was made by any such agency, may not be granted access to records under other RTKL requests until such prior amounts due have been paid in full.

When an estimated fee was not required to be paid because the estimate was $100 or less, but actual fees are over $100 or where the fee was under $100, an agency has the discretion to produce the records and invoice for the amount due or to require payment prior to production.

VI. POLICY EXCEPTIONS:

Any discrepancies arising between Workforce Solutions policy and/or procedures with federal and state provisions due to current or future revisions will default to the current minimum federal and state regulations and guidance available. Workforce Solutions policy/or procedures may set forth stricter requirements than provided by federal and state guidance, but in no case will local policy and/or procedures not meet minimum federal and state policy.

VII. RESCISSIONS:

None

VIII. EXPIRATION:

Ongoing

IX. INQUIRIES:

Questions shall be directed to:

Pam Streich, Executive Director at pstreich@ncwdb.org; or
Donna Hottel, Strategic Planning and Project Manager at dhottel@ncwdb.org

Workforce Solutions for North Central PA
425 Old Kersey Road
Kersey, PA 15846
(814) 245-1835

X. POLICY HISTORY:

This policy is reviewed annually (at a minimum), typically during the first week of July, by Workforce Solutions' staff to assess and implement any necessary changes, edits, updates and revisions.

Name of Staff Reviewer	Date of Review	Description of Change(s)	Effective Date
Pam Streich, Donna Hottel	10/01/2025	Reviewed – Added definitions, background and other sections in new format.	10/1/2025
Pam Streich	11/01/2016	Changes necessary to reflect Agency changes	11/01/2016
Pam Streich	07/01/2016	New Policy	11/01/2016