

## **Brighton Township Right-to-Know Law Policy**

### **I. Authority**

Brighton Township (“Agency” or “Township”) adopts this policy pursuant to Section 504(a) of the Right-to-Know Law, 65 P.S. §§ 67.101-67.3104 (“RTKL”). The Township has made this policy available to the public at the Municipal Building, 1300 Brighton Road, Beaver, PA 15009 and on the website [www.brightontwp.org](http://www.brightontwp.org) along with a Township Request form.

### **II. Definitions**

All of the definitions set forth in the RTKL are incorporated into this policy by reference. *See* 65 P.S. § 67.102.

AORO - The Agency Open Records Officer designated by the Township pursuant to Section IV of this policy.

Business Day - The regular business hours of the Township are Monday through Friday from 8:00 am to 4:30 pm. Business days exclude Saturday and Sunday and a weekday on which the Township is closed for business.

### **III. Township Website**

The Township maintains a public website at [www.brightontwp.org](http://www.brightontwp.org). The following information is also posted on the Township’s website: AORO contact information; contact information for the OOR; a form which may be used to file a RTKL request; and a copy of this policy.

### **IV. Submitting a RTKL Request to the Agency**

- A. Open Records Officer. The Township has designated an AORO and an Alternate AORO to respond to RTKL requests.

The contact information for the AORO for Non-Police related records and documents is:

Bryan K. Dehart

#### **By Mail or in Person**

Brighton Township Municipal Building  
1300 Brighton Road, Beaver, PA 15009  
Phone: (724) 774-4800  
FAX: (724) 774-3565  
Email: [brightontwp@brightontwp.org](mailto:brightontwp@brightontwp.org)

The contact information for the AORO for Police related records and documents is:

Howard Blinn, Chief of Police (Primary)  
Joshua Krizan, Sergeant, (Alternate)

**By Mail or in Person**

Brighton Township Police Department  
1400 Brighton Road, Beaver, PA 15009  
Phone: (724) 728-1134  
FAX: (724) 774-4013  
Email: [Police@brightontwp.org](mailto:Police@brightontwp.org)

- B. **Request:** Requests must be submitted in writing using Township Request Form or the RTKL Uniform Request Form available on the website and must be addressed to the AORO. If a requester chooses not to use Township Request Form or the RTKL Uniform Request Form, the request will be considered an informal request, not subject to the RTKL. This means that the requester cannot pursue the relief and remedies provided for in the RTKL. To allow the Township to locate requested records and determine whether those records are public, requests for records should be specific and concise and clearly identify, as precisely as possible, the records sought. See 65 P.S. § 67.703. Requesters should clearly indicate the preferred method of access – paper copies, electronic copies or by inspection. A requester should retain a copy of the request, as a copy of the request is necessary should a requester appeal the Agency response.
- C. **Receipt of the Request:** For the purpose of calculating the response deadline, the Township is deemed to have received the request on the business day that the AORO receives the request. See 65 P.S. § 67.901. Any request that is received by the Agency after the close of regular business hours shall be deemed to be received on the next business day. If the request is received by an Agency employee other than the AORO, the request will be forwarded to AORO as soon as practical.
- D. **Verbal requests:** The Township will respond to verbal requests for records at its discretion. Requesters submitting verbal requests for records should be aware that they may not pursue the remedies available to a requester under the RTKL.
- E. **Anonymous Requests:** The Township will not respond to anonymous requests for records.
- F. **Response Period Generally:** The Township has 5 business days to respond to a request for records under the RTKL. If the Township does not respond, the request is considered “deemed denied,” and a requester’s appeal rights commence.

## V. Agency Response

- A. **Extension of Time for Response:** The Township is permitted to take an additional 30 calendar days to respond to any request for the reasons set forth in Section 902 of the RTKL. *See* 65 P.S. § 67.902. If the Township invokes an extension, the Township will inform the requester in writing, in accordance with the requirements set forth in Section 902(b)(2) of the RTKL.
- B. **Requester's Agreement to extend the Response Period:** The requester may agree, in writing, to extend the Township response period. *See* 65 P.S. § 67.902(b)(2). The requester must agree to the extension during the initial 5 business-day response period or the extended 30 calendar day response period, if the Township has invoked one.
- C. **Trade Secrets;** If a request involves records provided to the Township by a third party and the third party previously provided the Township with a written statement that the record contains a trade secret or confidential proprietary information, the Township shall provide notice to the third party. *See* 65 P.S. § 67.707(b).
- D. **Final Response:** The Township may grant a request, partially grant, and partially deny a request, or deny a request in its entirety. The final response of the Township will be in writing. Should the Township fail to issue a response within the applicable response period, the request is deemed denied. *See* 65 P.S. § 67.901.
1. **Granting access to records.** The Township may grant a request for records by issuing a response: (1) granting access to inspect Township records during the Township's regular business hours; (2) sending copies of the records to the requester; or (3) by notifying the requester that the records are available on the Agency website or other publicly accessible electronic means. *See* 65 P.S. §§ 67.701(a), 704.
  2. **Denying or partially denying access to records.** Should the Township deny or partially deny a request for records through redaction or otherwise, the Township will inform the requester of the denial or partial denial in writing. The response will describe the requested records, inform the requester that the Township does not possess the responsive records or, if the records are exempt from public access, provide a citation to the relevant legal basis for withholding the requested records. *See* 65 P.S. § 67.903. Additionally, the response will provide the name, signature, title, business address and telephone number of the Open Records Officer who denied the request, as well as the date of the response and the procedure to appeal the denial. *See* 65 P.S. § 67.903.
- E. **Fees.** The Township will charge fees consistent with the RTKL Fee Structure, available at <http://www.openrecords.pa.gov/RTKL/FeeStructure.cfm>. Adopted Fees are as follows:

Paper copies shall be 25 cents per page per side black & white, and 25 cents per page per side color ink. The certification of a record is \$1 per record. Specialized documents including, but not limited to blue prints, color copies, and non-standard sized documents shall be charged the actual cost of production. If mailing is requested, the cost of postage will be charged. The Township shall require prepayment if the total fees are estimated to exceed \$100. Police Reports are \$15.00 per copy.

## VI. RTKL Appeals

- A. **Generally:** To challenge the denial, partial denial, or deemed denial of a request for Agency records, an appeal may be filed using the OOR appeal form, available at <http://www.openrecords.pa.gov/Appeals/AppealForm.cfm>, or by contacting the OOR at the following address:

Office of Open Records  
Commonwealth of Pennsylvania  
333 Market St., 16th Floor  
Harrisburg, PA 17101-2234  
[openrecords@pa.gov](mailto:openrecords@pa.gov)

Criminal investigative records. To challenge the denial of a request or portion of a request on the basis that records were withheld because they are related to criminal investigative records, an appeal should be filed by contacting:

District Attorney of Beaver County, 810 Third Avenue, Beaver, PA 15009.

- B. **Requirements of an Appeal:** All appeals must be filed within 15 business days of the mailing date of the Township's denial, partial denial, or deemed denial of the request. All appeals must be in writing; must state the grounds upon which the requester asserts that the requested records are public records; must address any grounds stated by the Township for denying the request; and must include a copy of the request and the Township's response, if any. *See* 65 P.S. § 67.1101(a)(1).

## VII. Township Notification of Third Parties on Appeal

**Township Must Notify Third Parties:** If records affect a legal or security interest of an employee of the Township; contain confidential, proprietary, or trademarked records of a person or business entity; or are held by a contractor or vendor, the Township must notify such parties of the appeal immediately and provide proof of that notice to the OOR within 7 business days from the date of the OOR's Official Notice of Appeal. Such notice must be made by (1) providing a copy of all documents included with the appeal to the OOR; and (2) advising that interested persons may request to participate in the appeal. *See* 65 P.S. § 67.1101(c).

**VIII. Mediation**

The RTKL requires the OOR to establish an informal mediation process to resolve disputes under the RTKL. 65 P.S. § 67.1310(a)(6). This is a voluntary process to help parties reach a mutually agreeable settlement on records disputes before the OOR. Mediation, a facilitated conversation between the parties that can serve as a fair and efficient tool to resolve conflict, can save time and expense. When appropriate, the Township is open to resolving RTKL disputes through the OOR's mediation process.

**IX. Record Retention**

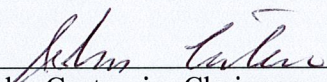
Notwithstanding any other existing record retention policy, once a RTKL request is received, the Township shall maintain, preserve, retain, protect, and not destroy any and all records, both electronic and hard copy, that are potentially responsive to the request until such time as the request is fulfilled and all associated appeals are resolved.

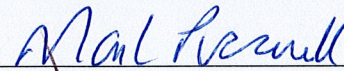
**X. Additional Information about the RTKL**


Additional information about the RTKL, the request process, and the appeal process is available on the OOR website at <https://www.openrecords.pa.gov>.

**RESOLVED AND ENACTED** this 8th day of April, 2024 by the Brighton Township Board of Supervisors.

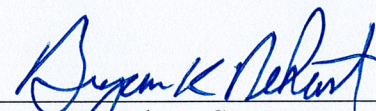
BRIGHTON TOWNSHIP  
BOARD OF SUPERVISORS

  
\_\_\_\_\_  
John Curtaccio, Chairman

  
\_\_\_\_\_  
Mark Piccirilli, Vice-Chairman

  
\_\_\_\_\_  
Gary J. Gordon, Supervisor



ATTEST:   
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Bryan K. Dehart, Secretary