



**BUFFALO
TOWNSHIP**

**Buffalo Township
Right-to-Know Law Policy**

I. Authority

Buffalo Township (“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 Buffalo Township Municipal Building (400 Buffalo Center Lane, Washington, PA 15301) and on its website (<https://buffalotwp.com>) along with the RTKL Uniform Request Form. *See* 65 P.S. § 67.504(b) (relating to agency posting requirements under the RTKL).

II. Definitions

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

The Township Open Records Officer is 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 4:00 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 (<https://Buffalotwp.com>). Many of the records most commonly requested from the Township are available on the website. The following information is also posted on the Township’s website: contact information for the Township Open Records Officer, Pennsylvania Office of Open Records and Washington County District Attorney. Also included on the Township’s website: Standard Right-to-Know Law Request Form which may be used to file a RTKL request; and a copy of this policy.

IV. Submitting a RTKL Request to the Township

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

Contact information for Township, County, and State Open Records Officers:

Buffalo Township Open Records Officer

Michelle L. Markley, Secretary/Treasurer
Buffalo Township
400 Buffalo Center Lane
Washington, PA 15301
724-222-2711 Phone
724-222-4741 Fax
supervisors@buffalotwp.com E-Mail

Office of Open Records in Event of Appeal

Office of Open Records
Executive Director
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
717-425-5343 Phone
Website: openrecords.pa.gov
Email: openrecords@pa.gov

Washington County District Attorney

Office of the District Attorney Jason
M. Walsh
26 South Main Street
Washington, PA 15301
724-228-6790 Phone
724-250-4142 Fax

- A. *Request.* Requests must be submitted in writing using the RTKL Uniform Request Form available on the Township's website and must be addressed to the Township Open Records Officer. If a requester chooses not to use 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 Township's response.
- B. *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 Township Open Records Officer receives the request. See 65 P.S. § 67.901. Any request that is received by the Township after the close of regular business hours shall be deemed to be received on the next business day. If the request is received by a Township employee other than the Township Open Records Officer (or appointed delegate), the request will be forwarded to the Township Open Records Officer as soon as practical.
- C. *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.
- D. *Anonymous requests.* **The Township will not respond to anonymous requests for records.**
- E. *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. **Township 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's 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 Township 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, which are available at <http://www.openrecords.pa.gov/RTKL/FeeStructure.cfm>. The Township may, in its discretion, choose to waive some or all of the fees owed on a case-by-case basis.

VI. RTKL Appeals

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

Office of Open Records
Commonwealth of Pennsylvania 333
Market St., 16th Floor Harrisburg, PA
17101-2234 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: The Washington County District Attorney's RTKL Chapter 11 Appeals Officer

Office of the Washington County District Attorney
26 South Main Street
Washington, PA 15301

- 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 Office of Open Records within 7 business days from the date of the Office of Open Record's Official Notice of Appeal. Such notice must be made by (1) providing a copy of all documents included with the appeal to the Office of Open Records; 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 Office of Open Records 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 Office of Open Records. 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 Office of Open Record's mediation process.

IX. Record Retention

The Township's Record Retention Policy is available at the Buffalo Township Municipal Building:

400 Buffalo Center Lane
Washington, PA 15301

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 Office of Open Records website at <https://www.openrecords.pa.gov>.

ADOPTED AND ORDAINED this 3rd day of July, 2024.

ATTEST:

BUFFALO TOWNSHIP


Michelle L. Markley
Michelle L. Markley, Secretary/Treasurer

By: James W. Arbore, Jr.
James W. Arbore, Jr., Chairman

By: Jim Mounts
Jim Mounts, Vice-Chairman

By: Randall Mounts
Randall Mounts, Supervisor