

RESOLUTION NO. 2025 – 39

**BOROUGH OF PHOENIXVILLE
CHESTER COUNTY, PENNSYLVANIA**

**A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF PHOENIXVILLE,
CHESTER COUNTY, PENNSYLVANIA, SETTING FORTH THE POLICY FOR
RESPONDING TO RIGHT TO KNOW LAW REQUESTS SUBMITTED TO THE
BOROUGH.**

WHEREAS, Pennsylvania Act 3 of 2008 entitled “The New Open Records Law” (“Act 3”) was enacted on February 14, 2008 with certain provisions becoming effective immediately, and certain provisions becoming effective on July 1, 2008 and January 1, 2009, adopted amendments to Pennsylvania's Right-to-Know Law, 65 P.S. §67.101, et seq. (the “Act”); and

WHEREAS, Act 3, and in particular Section 504 of the Act, permit an agency to promulgate regulations and policies necessary to implement the Act; and

WHEREAS, the Borough Council is desirous of open and efficient government in accordance with Pennsylvania Law; and

WHEREAS, the Borough Council desires to enact a policy to establish the procedure by which the Borough will address requests made to it for records under the Act.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. Phoenixville Borough Council hereby adopts the Borough of Phoenixville Policy for Right to Know Law Requests, which is attached hereto and incorporated herein as Exhibit “A”, and further authorizes the Borough staff to execute and implement said Policy on behalf of the Borough.

Passed by Borough Council this 9th day of December, 2025.

By: _____


Jonathan M. Ewald
President, Borough Council

Enacted this 9th day of December, 2025.

By: 

E. Jean Krack, Borough
Manager/Secretary

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Resolution duly adopted at a regular meeting of Borough Council held on the 9th day of December, 2025.

By: 

E. Jean Krack, Borough
Manager/Secretary

EXHIBIT A
Borough of Phoenixville Policy for Right to Know Law Requests

1. Submitting a request to the Borough under the Act

- a. In accordance with Section 504(b) of the Act, the following policy shall be posted on the Borough's website, together with contact information for the designated Open Records Officer(s) and the state Office of Open Records.
- b. All Right-to-Know Law requests shall be submitted on either the Office of Open Records uniform Standard Request Form as permitted by Section 505(a) of the Act, or on any form as may be created by the Borough and posted on the Borough website. Any request not submitted on a proper form, or not completed in its entirety will not be fulfilled.
- c. Any request made to the Borough under the Act shall meet all of the following procedural requirements.
 - i. Address and submit the request to the Borough Open Records Officer or noted designee;
 - ii. Utilize a proper form which is completed in its entirety;
 - iii. Identify the Record or Records requested with sufficient specificity to enable the Borough to determine which record is being requested; and
 - iv. Seek specific records, and not answers to questions.
- d. Only a natural person who is a legal resident of the United States, or an "Agency," as defined in the Act, is entitled to access to public records under the Act. If the Borough is not able to determine from the written request form whether the requester meets the definition of a proper requester under Section 102 of the Act, the request will be treated as an anonymous request.
- e. The Borough Open Records Officer will use discretion to determine whether a request has been filed anonymously. Where a request is determined to be anonymous, it will not be fulfilled.
- f. The Borough will not accept verbal requests for records under the Act. All requests must be submitted in writing and delivered by electronic mail or delivered to the Open Records Officer at the address posted on the Borough website.

- g. All requests are deemed received by the Borough when they are received by the Open Records Officer. Requests submitted after the close of regular business hours, or on a non-business day, shall be deemed to have been received by the Borough on the following regular business day. The regular business hours of the Borough are Monday through Friday, 9:00 a.m. to 12:00 p.m. and 1:00 pm. to 3:30 p.m.

2. Borough Response to Request for Records

- a. The Borough's response to a request for records shall be administered by the designated Open Records Officer, who shall determine whether the requested record is a public record.
- b. Upon receipt of a request for a record, the Open Records Officer shall:
 - i. Note the date of receipt on the written request;
 - ii. Compute the date on which the initial five-day response period will expire according to Section 901 of the Act;
 - iii. Direct requests to other appropriate individuals in the Borough;
 - iv. Maintain an electronic or paper copy of the written request, including all documents submitted with the request, until a response is issued. If the request is denied, the written request shall be maintained for thirty (30) days or, if an appeal is filed, until a final determination is issued pursuant to Section 1101(b) of the Act, or until the appeal is deemed denied;
 - v. Determine whether a fee is applicable to the request and, if so, whether the fee has been submitted with the request. The Borough shall assess fees in accordance with, and as permitted by, the Office of Open Records Fee Schedule.
- c. In the process of responding to a request, the Open Records Officer may, but is not required to, contact the requester to obtain additional information to assist the Borough in responding to the request.
- d. In calculating response deadlines under the Act, a business day does not include Saturday, Sunday or a Federal or State or Borough holiday. A business day also does not include any day when the Borough offices are closed pursuant to a decision by management, an unanticipated event such as a natural disaster, or at the direction of a local, State, or Federal agency or official. For example, in determining the end of the five-business-day

period, the day a Right-to-Know request is deemed received is not included in the count, such that if a Right-to-Know request is received by the Open Records Officer on a Monday, the Borough's response is not due until the following Monday, assuming there is no intervening holiday or closure of the Borough offices.

- e. If the Open Records Officer determines that additional time is required to fulfill the request beyond the initial five-business-day period, the Open Records Officer shall issue a letter to the requester during the initial period, informing the requester that the Borough is invoking an extension of time to respond, according to Section 902 of the Act.
- f. The Borough's response will either grant or deny a request for records. The Borough may also partially deny the request, permitting access to some, but not all, of the requested record.
- g. Information that is not subject to access and is redacted from a public record shall be deemed a denial.
- h. If the Open Records Officer determines that a record is subject to inspection, but a copy of the record cannot be provided to the requester, the Open Records Officer will notify the requester and schedule an appointment for the requester to review the record at the Borough administrative office. When a requester arrives at the Borough administrative office to review a record, the Open Records Officer or other designated Borough staff will, when necessary under the law or policy, accompany the requester for the duration of their review of the record, to ensure that no photographs, videos, or other duplication occurs.
- i. The Borough may deny a request if the requester has made repeated requests for the same record, and such repeated requests have placed an unreasonable burden on the Borough.
- j. Prepayment of an estimate of fees is required if access to the records is expected by the Open Records Officer to carry a cost to the Borough. If the actual cost is less than the estimate, the Open Records Officer shall return the difference to the requester. If the actual cost is higher than the estimate, the requester shall pay the difference prior to the copies being given or sent to the requester.

- k. If the Open Records Officer responds to a requestor that a copy of the requested record is available to be picked up at the Borough administrative office and the requestor does not retrieve the record within sixty (60) days of the Borough's response, the Borough shall dispose of the copy and retain any fees paid to date.

3. Appeal of Borough's Denial of Access to a Record

- a. In addition to the provisions of Section 1-1005 of the Borough Ordinance, any person, other than the Borough or the requestor, who has a direct interest in a record that is the subject of an appeal filed by the requestor, may, within fifteen (15) days following receipt of actual knowledge of the appeal, but no later than the date on which the Office of Open Records issues a determination, file a written request for Direct Interest Participant Status to the Office of Open Records.