SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA

RESOLUTION NO. 2025-75
(Duly Adopted July 16, 2025)

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SOUTH WHITEHALL, LEHIGH COUNTY, COMMONWEALTH OF PENNSYLVANIA, ADOPTING A REVISED RIGHT-TO-KNOW LAW POLICY

WHEREAS, South Whitehall Township ("Township") is a local agency as that term is defined by the Right-to-Know Law (65 P.S. §§ 67.101-67.3104) ("RTK Law"); and

WHEREAS, South Whitehall Township adopted a policy by Resolution No. 2008-67 adopted December 17, 2008 for the purpose of designating an open records officer and adopting a policy to facilitate requests for public records of the Township (the "Policy"); and

WHEREAS, South Whitehall Township amended the Policy by Resolution No. 2009-27 adopted March 4, 2009 for the purpose of amending the Township's policy for photocopying or reproduction of records ("Amended Policy"); and

WHEREAS, the Township desires to amend the Amended Policy pursuant to the authority granted under Section 504(a) of the RTK Law.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of South Whitehall Township hereby adopts the following:

South Whitehall Township Right-to-Know Policy

Section 1. Adoption. The Township hereby adopts an amended policy pursuant to Section 504(a) of the RTK Law as further described herein (hereinafter referred to as the "Right-to-Know Policy").

Section 2. Availability. Township has made this Right-to-Know Policy available to the public at its Administrative Offices and on its public website along with the Office of Open Records' Standard Right-to-Know Request Form.

Section 3. Township Open Records Officer. The Township hereby designates the Township Manager as the Township's Open Records Officer, or such other individual as designated from time to time by the Board of Commissioners by Resolution. The Open Records Officer for the Township may be reached at: Open Records Officer, South Whitehall Township, 4444 Walbert Avenue, Pennsylvania, 18104, Telephone: 610-398-0401, Email: info@southwhitehall.com.

Section 4. Township Police Department Open Records Officer. The Township hereby designates the Chief of Police as the Township Police Department Open Records Officer, or such other individual as designated from time to time by the Board of Commissioners by Resolution. The Open Records Officer for the Township Police Department may be reached at: Open Records Officer C/O Chief of Police, Township Police Department, 4444 Walbert Avenue, Pennsylvania, 18104, Telephone: (610) 398-0337, Facsimile: 610-391-9471, Email: PDRTK@swtpd.org.

Section 5. General. Public records shall be available for inspection, retrieval, and duplication at the Township's Administrative Offices during normal business hours of 8:00 a.m. to 4:00 p.m., with the exception of Township designated holidays and official office closings.

Section 6. Requests. Requests shall be made in writing to the appropriate Open Records Officer(s) on the Pennsylvania Office of Open Records' Standard Right-to-Know Request Form, as amended. Anonymous or verbal requests will not be considered.

Section 7. Township Fees. The following fees shall be applicable to records produced by the Township and all fees shall be paid before documents will be released:

- Copies: $0.25 (twenty-five cents) per page per side for black and white copies up to the first 1,000 pages and $.20 beyond 1,000 pages and $.50 for color copies.
- Certification of a Record: $ 5.00 (five dollars) per record.
- Notary Fees: Actual Cost.
- Specialized Documents (blueprints, color copies, non-standard sized documents): Actual Cost.
- Postage Fees: Actual Cost of Mailing.
- The Township shall require prepayment if the total fees are estimated to exceed $100.00 (one-hundred dollars).
- Digital Records: The Township shall not charge a fee for producing any pre-existing digital public records unless the Township must incur costs to duplicate the record to fulfill the request. In such instances, the Township shall charge the associated Actual Costs, as applicable.

Section 8. Township Police Department Fees. The following fees shall be applicable to records produced by the Township Police Department and all fees shall be paid before documents will be released:

- Copies: $0.25 (twenty-five cents) per page per side for black and white copies up to the first 1,000 pages and $.20 beyond 1,000 pages and $.50 for color copies.
- Certification of a Record: $ 5.00 (five dollars) per record.
- Notary Fees: Actual Cost.
- Specialized Documents (blueprints, color copies, non-standard sized documents): Actual Cost.
- Postage Fees: Actual Cost of Mailing.

- Accident Reports: $10.00 (Accident reports will be furnished to any person involved in the accident, his attorney, or his insurer and to the Federal Government, the registered owner, branches of the military service, Commonwealth Agencies, and to officials of political subdivisions and to agencies of other states and nations and their political subdivisions).
- The Police Department shall require prepayment if the total fees are estimated to exceed $100.00 (one-hundred dollars).
- Digital Records: The Township Police Department shall not charge a fee for producing any pre-existing digital public records unless the Township Police Department must incur costs to duplicate the record to fulfill the request. In such instances, the Township Police Department shall charge the associated Actual Costs, as applicable.

Section 9. Township Response(s). The Open Records Officer(s) shall make a good-faith effort to provide the requested public record(s) as promptly as possible and within the RTK Law's five (5) business day timeframe. If the Open Records Officer cannot do so within five (5) business days, he/she is permitted to exercise a thirty (30) day extension upon notifying the requester. The Open Records Officer shall cooperate with those requesting records to review and/or duplicate original documents while taking reasonable measures to protect original documents from the possibility of theft, damage, and/or modification.

If the request is denied, the Open Records Officer will send the requester a letter stating 1) a description of the record requested; 2) the specific reasons for the denial, including a citation of supporting legal authority; 3) contact information for the Open Records Officer; 4) the date of the response; and 5) the procedure to appeal the denial.

Section 10. Township Police Department Response(s). The Chief of Police shall review all written requests for access to public records. As soon as possible, but no later than five (5) business days after receiving a written request to access public records, the Chief of Police shall respond to all such requests in a manner consistent with the Law.

Criminal history information is not accessible under the Law, but may be obtained through the submission of a Request for Criminal Record Check, Form SP 4-164, which is available on the Pennsylvania State Police website (www.psp.state.pa.us). All such requests will be referred to the Pennsylvania State Police. The South Whitehall Township Police Department does not possess or retain investigative or administrative information for other state or local agencies. Therefore, such requests will be denied.

Police Department employees shall cooperate with those requesting records to review and/or duplicate original Police Department documents while taking reasonable measures to protect police Department documents from the possibility of theft and/or modification. All personal telephone numbers, operator numbers and Social Security numbers for all persons mentioned in any record, shall be redacted along with any other information that may be redacted pursuant to the RTK Law or any other applicable law.

Section 11. Contact Information for Appeals. If a written request is denied, the requester has the right to file an appeal in writing to Executive Director, Office of Open Records, 333 Market St., 16th Floor, Harrisburg, PA 17101-0225.

Appeals of criminal records shall be made to the District Attorney of Lehigh County in writing to Lehigh County District Attorney's Open Records Appeals Officer, Lehigh County Courthouse, 455 West Hamilton Street, Allentown, PA 18101-1614.

Section 12. Appeals Process. Appeals must be filed within 15 business days of the mailing date of the township's response. Please note that a copy of the requester's original request and the township's denial letter must be included when filing an appeal. The law requires an appeal to include reasons why the record is a public record and to address the reasons for denial that the township stated in its denial letter.

Visit the Commonwealth of Pennsylvania's Office of Open Records website at www.openrecords.pa.gov for additional information on filing an appeal.

FURTHER RESOLVED, that Resolution 2008-67 and Resolution 2009-27 shall be and are hereby specifically repealed in their entirety and that all other Resolutions or parts of Resolutions inconsistent with this Resolution are hereby repealed and superseded by this Resolution.

FURTHER RESOLVED, that to the extent the foregoing Right-to-Know Policy is inconsistent with the RTK Law, the RTK Law shall control.

DULY ADOPTED this **16th** day of **July 2025**, by a majority of the Board of Commissioners of the Township of South Whitehall, Lehigh County, Pennsylvania, at a duly advertised meeting of the Board of Commissioners at which a quorum was present. As part of this Resolution, the Board of Commissioners has directed that the President, or Vice-President in the absence of the President, execute this Resolution on behalf of the Board.

TOWNSHIP OF SOUTH WHITEHALL
BOARD OF COMMISSIONERS

Diane Kelly

Diane Kelly, President

ATTEST:

Tricia Dickert

Tricia Dickert, Township Secretary