

**CAPITOL PRESERVATION COMMITTEE
STATEMENTS OF POLICY REGARDING
RIGHT-TO-KNOW LAW**

CHAPTER A

PRELIMINARY PROVISIONS

§ 1.0. Authority.

This Statement of Policy is adopted and promulgated pursuant to § 504(a) of the Right-to-Know Law, Act No. 3 of February 14, 2008, P.L. 6, 65 P.S. § 67.101 et seq.

§ 1.1. Scope

This Policy establishes the process and procedures that the Capitol Preservation Committee will follow when responding to a request for access to or copies of Legislative Records in the possession, custody or control of the Capitol Preservation Committee.

§ 1.2. Definitions.

The following words and terms, when used in this Statement of Policy, have the following meanings, unless the context clearly indicates otherwise:

Appeals Officer--The individual responsible, under section 503(c)(1) of the Law for appeals from determinations of an Open-Records Officer.

Bureau--The Legislative Reference Bureau.

Law--The Right-to-Know Law, Act No. 3 of February 14, 2008, P.L. 6, 65 P.S. § 67.101 et seq.

Legislative Agency--Any of the following:

- (1) The Senate.
- (2) The House of Representatives.

- (3) The Bureau.
- (4) The Capitol Preservation Committee.
- (5) The Center for Rural Pennsylvania.
- (6) The Joint Legislative Air and Water Pollution Control and Conservation Committee.
- (7) The Joint State Government Commission.
- (8) The Legislative Budget and Finance Committee.
- (9) The Legislative Data Processing Committee.
- (10) The Independent Regulatory Review Commission.
- (11) The Local Government Commission.
- (12) The Pennsylvania Commission on Sentencing.
- (13) The Legislative Reapportionment Commission.
- (14) The Legislative Office for Research Liaison.
- (15) The Legislative Audit Advisory Commission.

Legislative Record--As defined in section 102 of the Law (65 P.S. § 67.102).

Mass Request--A number of requests under the Law to which all of the following apply:

- (1) Each request is for the same Legislative Record.
- (2) Each request is to the Capitol Preservation Committee.
- (3) The number exceeds the daily average number of requests to the Capitol Preservation Committee by at least 200%.
- (4) The requests are substantially identical in format and language.
- (5) The Open-Records Officer is able to trace the requests to a common source.

Office of Open Records--The Office of Open Records established in section 1310 of the Law.

Open-Records Officer--The individual responsible for access to the information of the Capitol Preservation Committee under section 502(a)(2) of the Law.

Requester--A person that makes a request for information from the Capitol Preservation Committee under the Law.

§ 1.3. Open-records officers.

(a) *Designation.*

(1) Under section 502(a)(2) of the Law, the Bureau has coordinated with the Capitol Preservation Committee to do one of the following:

(i) Accept the Capitol Preservation Committee's designation of the open-records officer.

(ii) Designate the head of the Capitol Preservation Committee as the Open-Records Officer.

(2) The designation under paragraph (1), as it applies to the Capitol Preservation Committee, is as follows:

The Capitol Preservation Committee:

Open-Records Officer

Capitol Preservation Committee

Room 630, Main Capitol Building

Harrisburg PA 17120

Fax: 717-772-0742

E-mail: rtkrequest@cpc.state.pa.us

(b) *Notice.* The Bureau has published the above designation in the *Pennsylvania Bulletin*. See 38 Pa. B. 5755.

CHAPTER B

OPEN RECORDS PROCEDURES OF THE CAPITOL PRESERVATION COMMITTEE

§ 2.0. Hours of access.

The Right-To-Know Office of the Capitol Preservation Committee will be open from 9:00 a.m. to 4:30 p.m. Monday through Friday, except for official State and Federal holidays and other days the Capitol Preservation Committee is closed by direction of the Executive Director of the Capitol Preservation Committee.

§ 2.1. Contact information.

Right to Know requests must be sent to:

Open-Records Officer

Capitol Preservation Committee

Room 630, Main Capitol Building

Harrisburg PA 17120

Fax: 717-772-0742

E-mail: rtkrequest@cpc.state.pa.us

§ 2.2. Request format.

(a) *General.* The Capitol Preservation Committee will fulfill verbal, written or anonymous verbal or written requests for access under the Law. If, however, the Requester wishes to pursue the relief and remedies provided for in the Law, the request must be a written request.

(b) *Written requests.* Requests in writing must be clearly marked as a Right-to-Know request and must be submitted in person or by mail, e-mail or facsimile in one of the following manners:

- (1) On a form prescribed by the Office of Open Records.
- (2) On a form prescribed by the Capitol Preservation Committee.
- (3) In a manner so that material requested describes records requested with specificity. In the event that one of the forms referenced in 2.2(1) or (2) is not used, the request must also include an address to which the Capitol Preservation Committee can provide its response.

§ 2.3. Referral.

(a) *Scope.* The Capitol Preservation Committee will forward a request for a Legislative Record not generated by the Capitol Preservation Committee to the appropriate Legislative Agency, to the extent that the appropriate Legislative Agency can be reasonably determined. In such event, the Requester will be advised of this action. If the appropriate Legislative Agency cannot be reasonably determined, the Capitol Preservation Committee will respond pursuant to Chapter 9 of the Law.

(b) *Status.* Forwarding a request under subsection (a) does not constitute a deemed denial under section 901 of the Law.

§ 2.4. Processing.

(a) *Production.* Subject to § 2.5 (relating to Mass Requests), the Capitol Preservation Committee will process a request for any Legislative Record in its possession, custody or control. Legislative Records in the possession, custody or control of the Capitol Preservation Committee

will be produced in accordance with the Law, and, except as otherwise exempt from access as set forth in the Law.

(b) *Redaction.* In response to a request, the Capitol Preservation Committee may redact certain information, as required by § 706 of the Law.

(c) *Record Disposal.* For those requested Legislative Records that are produced and available for delivery at the Capitol Preservation Committee, the Requester shall have sixty (60) days to retrieve the records. If the records are not retrieved within sixty (60) days of the Capitol Preservation Committee's response, the Capitol Preservation Committee may dispose of any copies which have not been retrieved and retain any fees paid to date.

(d) *Creation of Records.* In response to a request for access, the Capitol Preservation Committee will not create a record which does not currently exist and is not required to compile, maintain, format or organize a record in a manner in which the Capitol Preservation Committee does not currently compile, maintain, format or organize such records.

§ 2.5. Mass requests.

If the Open-Records Officer determines that a Mass Request places an unreasonable burden on the Capitol Preservation Committee, in an analogous manner to that described in Section 506(a)(1) of the Law, for multiple requests by the same requester, the following apply:

(1) The Open-Records Officer will respond to the common source identified by the Open-Records Officer; will respond to individual requests submitted in writing; and, if the Request is granted, will make the Legislative Record accessible at the Capitol Preservation Committee.

(2) If the Mass Request is in electronic format, each Requester will be informed of the action under paragraph (1).

§ 2.6. Fee schedule.

(a) *General rule.* The following apply:

(1) With the exception of blueprints, the fee for copying a document is \$0.25 per page.

(2) The fee for postage will not exceed actual mailing costs.

(3) The fee for certifying a document is \$5.00 per document, regardless of the number of pages. Each document requires separate certification and fee.

(4) The fee for redaction of a document is \$0.25 per page.

(5) The fee for providing documents on a compact disc is \$5.00.

(6) The fee for copying blueprints is the cost incurred by the Capitol Preservation Committee to have the blueprints copied by an outside vendor, as the Capitol Preservation Committee does not have the means to copy blueprints. Such fee will include not only the charge assessed by the outside vendor, but also any cost necessarily incurred for complying with the request.

(b) *Payment.*

(1) Except as set forth in paragraph (2), payment arrangements shall be made between the Requester and the Open-Records Officer.

(2) Under section 1307(h) of the Law (65 P.S. § 67.1307(h)), if the total fee exceeds \$100, payment must be made prior to the initiation of the providing of the document. If prepayment is required, such should be in the form of cash or a certified

check or money order made payable to "Capitol Preservation Committee " in the total amount of the fee.

CHAPTER C

APPEALS

§ 3.0. Right to Appeal.

(a) If a written request for access to a record is denied or deemed denied, the Requester may file an appeal with the Right-to-Know Appeals Officer within fifteen (15) business days of the mailing date of the agency's response or within fifteen (15) business days of the deemed denial at the following address:

Right-to-Know Appeals Officer
Legislative Reference Bureau
641 Main Capitol Building
Harrisburg, PA 17120
Fax: 717-787-4828
E-mail: lrbbrighttoknow@palrb.net

(b) The appeal must state the grounds upon which the Requester asserts that the record is a Legislative Record and shall address any grounds stated by the Capitol Preservation Committee for delaying or denying the request.

§ 3.1. Appeal Procedures

The procedures on appeal shall be those as promulgated by the Bureau.