Right to Know Policy

On January 1, 2009, a new Right to Know Law (the "RTKL") took effect in the Commonwealth of Pennsylvania. Under this statute, public records of the Independent Citizen Police Review Board (CPRB) of the City of Pittsburgh are generally available to citizens who request them.

The following outlines the basic provisions of the RTKL and the procedures for making a request for records:

I. PUBLIC RECORDS

The Right to Know Law defines a public record as information, regardless of physical form, which documents a transaction or activity of the CPRB, and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the CPRB. A record is NOT a public record if:

1. it is exempt from disclosure under Section 708(b) of the RTKL; or
2. it is exempt from disclosure under any other Federal or State law, or regulation or judicial order or decree; or
3. it is protected by a privilege.

Generally, public records are to be open for inspection or duplication in accordance with the RTKL. Records are to be provided in the medium requested if they exist in that medium. Otherwise, they are to be provided in the medium in which they exist. The RTKL does not require the CPRB to give computer access to any requester.

When responding to a request, the CPRB is not required to create a record that does not presently exist. Nor is the CPRB required to compile, maintain, format, or organize a record in a manner in which the CPRB does not currently maintain, format, or organize the record.

II. MAKING A REQUEST

All Right to Know requests for information ("requests") must be submitted to the Open Records Officer ("ORO") of the Independent Citizen Police Review Board of the City of Pittsburgh:

Elizabeth C. Pittinger
Executive Director
Open Records Officer
816 Fifth Avenue, Suite 400
Pittsburgh, PA 15219
412-765-8023
Beth.Pittinger@pittsburghpa.gov

There are four ways to request a public record from the CPRB: 1) In person; 2) By mail; 3) By e-mail; and 4) By fax. Requests may be verbal or written. However, if a verbal request is denied by the CPRB, there is no right of appeal.

The Right to Know Law does not require the CPRB to accept requests made by telephone, and the
CPRB will refuse to accept requests made by telephone. The Right to Know Law also does not require the CPRB to accept anonymous requests, and the CPRB will refuse to accept anonymous requests. For the purpose of this section, an e-mail request which does not contain a proper name or street address will be treated as an anonymous request.

In order to meet the requirements of the Right to Know Law, the request must:

1. Identify the records requested with sufficient specificity to enable the CPRB to ascertain which records are being requested; and
2. Include the name of the requester; and
3. Include the address to which the CPRB should direct its response.

The request need not state the reason that the records are being requested.

The CPRB has chosen to use the Standard Request Form promulgated by the Pennsylvania Open Records Office. A copy may be obtained from the website of the Pennsylvania Office of Open Records. A hard-copy form may also be obtained from the CPRB ORO at the address above.

The CPRB may deny "disruptive requests," which occur when a requester repeatedly requests the same record. However, the requester is not precluded from requesting a different record.

**III. THE CPRB’s RESPONSE TO A RIGHT TO KNOW REQUEST**

The time period for the CPRB’s response will begin to run as of the documented receipt of the request by the CPRB-ORO. Requests received after 3:00 p.m. shall be deemed to be received on the next business day.

Upon receipt of a request by the Open Records Officer, the CPRB will make a good faith effort to determine whether the record requested is a public record, and whether the CPRB has custody of the record. The CPRB will respond as rapidly as possible under the circumstances existing at the time of the request. However, the CPRB will respond within five business days of the initial request. A "business day" shall be any weekday (Monday through Friday) except for official holiday closings or closings due to weather or natural disasters or due to the request of authorized public safety officials. Failure to respond within five business days will constitute a deemed denial of the request.

The RTKL does not require that the requester receive the CPRB’s response on the fifth business day. The CPRB meets its obligations by mailing the response on the fifth business day.

The CPRB will respond to each request in one of three ways:

1. The CPRB will grant the request in its entirety; or
2. The CPRB will deny the request; or
3. The CPRB will partially grant and partially deny the request.

There are circumstances set forth in the RTKL under which the CPRB can take additional time to process a right to know request. The CPRB is required to notify the requester in the "five day" letter which of these circumstances apply:

1. The record must be redacted;
2. The record must be retrieved from a remote location;
3. A timely response is not possible due to bona fide and specified staffing limitations;
4. A legal review is necessary to determine whether the record is a public record;
5. The requester has not complied with the CPRB’s policies regarding access to records;
6. The requester refuses to pay applicable fees;
7. The extent or nature of the request precludes a response within the required time period.

If the CPRB requires additional time to process a right to know request, it must nevertheless make its initial response within the five business day period. The letter will indicate which of the reasons justify the additional time, and will project a target date by which the records will be made available. The CPRB cannot take more than thirty additional days without the written consent of the Requester. If such permission is not granted and the CPRB takes more than thirty days from the expiration of the five business day period, the request will be deemed denied on the thirty-first day.

If the CPRB denies a request for information (in whole or in part), it will issue a denial letter which will include:

1. A description of the record being requested;
2. The specific reasons for the denial, including a citation of supporting legal authority;
3. The name, contact information, and signature of the Open Records Officer;
4. The date of the request; and
5. The procedure to appeal the denial of the request.

IV. FEES

The CPRB may charge reasonable fees for copying as well as its actual costs for postage in fulfilling a Right to Know request. These fees will be posted on the CPRB website as well as the Pennsylvania Office of Open Records website. The CPRB may not exceed the charges established by the Pennsylvania Office of Open Records.

If copying fees do not exceed five dollars, the copies and postage will be provided free of charge as a courtesy of the CPRB and City of Pittsburgh.

The CPRB charges $0.25 per 8.5x11 page copied. If copying fees exceed five dollars, the fees and postage must be pre-paid before the records will be provided. The fee can be paid by check or money order payable to:

Treasurer, City of Pittsburgh
c/o CPRB - Open Records Officer
816 Fifth Avenue, Suite 400
Pittsburgh, PA 15219

If the fees associated with a right to know request are anticipated to be greater than $100.00, the fees must be paid in advance before the CPRB is obligated to compile the records.

V. APPEALS
If a request for information is denied or deemed denied by the CPRB, the requester may appeal the decision to the Pennsylvania Office of Open Records:

Executive Director
Office of Open Records
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120

The appeal must be made within fifteen business days of the CPRB denial or deemed denial, and must set forth the grounds on which the requester believes that the record is a public record, and the grounds for the denial by the CPRB.

The Pennsylvania Office of Open Records will assign an appeals officer to the case, and the appeals officer will issue a decision within thirty days of the receipt of the appeal. The decision of the appeals officer may be appealed to the Allegheny County Court of Common Pleas.

VI. POLICIES
The CPRB retains the discretion and authority to adopt any other written policies that are consistent with the Right to Know Law. Amendments to this policy will take effect upon publication on the CPRB website (cprbpgh.org).

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STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: _____________________

REQUEST SUBMITTED BY: □ E-MAIL □ U.S. MAIL □ FAX □ IN-PERSON

REQUEST SUBMITTED TO (Agency name & address):

_________________________________________

_________________________________________

NAME OF REQUESTER: _____________________

STREET ADDRESS: ________________________

CITY/STATE/COUNTY/ZIP (Optional): _______

TELEPHONE (Optional): _________________ EMAIL (optional): _____________________

RECORDS REQUESTED: *Provide as much specific detail as possible so the agency can identify the information. Please use additional sheets if necessary
DO YOU WANT COPIES?  □ YES  □ NO

DO YOU WANT TO INSPECT THE RECORDS?  □ YES  □ NO

DO YOU WANT CERTIFIED COPIES OF RECORDS?  □ YES  □ NO

DO YOU WANT TO BE NOTIFIED IN ADVANCE IF THE COST EXCEEDS $100?  □ YES  □ NO

** PLEASE NOTE: RETAIN A COPY OF THIS REQUEST FOR YOUR FILES **

** IT IS A REQUIRED DOCUMENT IF YOU WOULD NEED TO FILE AN APPEAL **

FOR AGENCY USE ONLY

OPEN-RECORDS OFFICER:

□ I have provided notice to appropriate third parties and given them an opportunity to object to this request

DATE RECEIVED BY THE AGENCY:

AGENCY FIVE (5) BUSINESS DAY RESPONSE DUE:

**Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)**