



pennsylvania

OFFICE OF OPEN RECORDS

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**County Commissioners Association
Newly Elected Officials Workshop & Fall Conference**

November 25, 2019

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Pennsylvania's Right-to-Know Law

A “record” is...

- “information, regardless of physical form or characteristics, that documents a transaction or activity of an agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency”
- *PA Office of Attorney General v. Philadelphia Inquirer*
 - Personal communications, even if they violate agency policies, are not “records” under the RTKL

Right-to-Know Law: The Basics

All state & local government records **presumed** to be **public**

- 30 exceptions in the RTKL
 - Fewer apply to financial records & aggregated data
- Exceptions in other laws & regulations
 - Other laws also make records expressly public (e.g., Coroner's Act)
- Attorney-client privilege & other privileges
 - Only if recognized by PA courts; not “self-critical evaluation”
- Records can be made non-public by court order

Records Take Many Shapes

The Right-to-Know Law...

- **Doesn't** distinguish between formats
 - Paper, email, texts, social media, audio, video, etc.
- **Doesn't** distinguish between agency & personal devices
 - Or agency & personal email (e.g., gmail account)
 - Or agency & personal social media accounts
 - Practical issues re: accessing personal devices & email
 - Best practice: Agency business done on agency devices & email
- Bottom line: Is it a **record**? And if so, is it a **public record**?

Post Records Online

Save time by posting commonly requested records online

- Meeting Minutes



Post Records Online

Save time by posting commonly requested records online

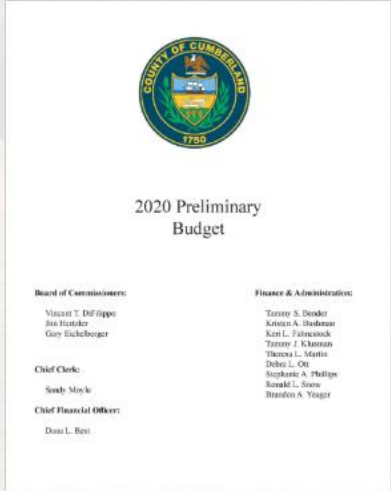
- Budgets
 - Put budgets in a very conspicuous place!

Home > Government > Administration & Finance > Finance / Purchasing > Budget

Current and Prior Budgets

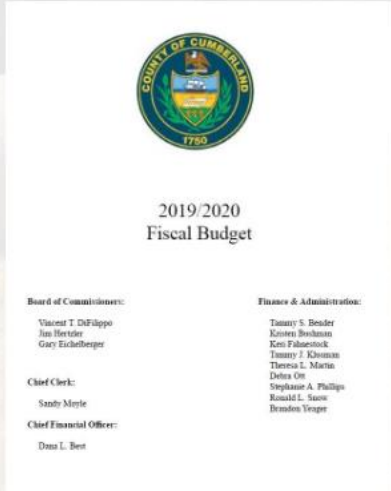
Budget documents are available for download and viewing.

2020 Calendar Budget



The cover page for the 2020 Preliminary Budget features the County of Cumberland seal at the top. Below the seal, the title "2020 Preliminary Budget" is centered. The page lists the Board of Commissioners (Vincent T. DiFallo, Jim Hartsel, Gary Eichelberger), the Finance & Administration department (Tammy S. Bender, Kristen Buchanan, Ken Fahrenstock, Tommy J. Korman, Theresa L. Martin, Debra Ott, Stephanie A. Phillips, Ronald L. Stone, Brandon A. Younger), the Chief Clerk (Sandy Myrie), and the Chief Financial Officer (Dana L. Best).

2019-2020 Fiscal Budget



The cover page for the 2019-2020 Fiscal Budget features the County of Cumberland seal at the top. Below the seal, the title "2019-2020 Fiscal Budget" is centered. The page lists the Board of Commissioners (Vincent T. DiFallo, Jim Hartsel, Gary Eichelberger), the Finance & Administration department (Tammy S. Bender, Kristen Buchanan, Ken Fahrenstock, Tommy J. Korman, Theresa L. Martin, Debra Ott, Stephanie A. Phillips, Ronald L. Stone, Brandon A. Younger), the Chief Clerk (Sandy Myrie), and the Chief Financial Officer (Dana L. Best).

[Full Document](#)
[- 2020 Preliminary Budget \(pdf\)](#)

[- 2019 - 2020 Fiscal Budget \(pdf\)](#)

Post Records Online

Save time by posting commonly requested records online

- Contact Information

Federal Elected Officials

State Elected Officials

County Elected Officials

Township & Borough Elected Officials

School District Elected Officials

[Home](#) > [Government](#) > [Administration & Finance](#) > [Bureau of Elections](#) > [Elected Officials](#) > County Elected Officials

County Elected Officials

Cumberland County

Below is a listing of your elected officials for the County.

Title / Name	Term / Year Elected	Contact Information
Commissioners Vince DiFilippo Jim Hertzler Gary Eichelberger	Four year / Nov. 2015	1 Courthouse Sq. Carlisle, PA 17013 Ph: 717.240.6150
District Attorney M.L. Skip Ebert, Jr.	Appointed / Dec. 2017	1 Courthouse Sq. Carlisle, PA 17013 Ph: 717.240.6210

Post Records Online

Save time by posting commonly requested records online

- Use social media



A Quick Note About Social Media

When are social media posts public records?

- Remember the definition of a record: “**information ... that documents a transaction or activity of an agency**”
- If you’re a county official with a “private” Facebook group where you discuss county business... **PUBLIC**.
- If you’re a county official and you use your “personal” Facebook account to discuss county business... **PUBLIC**.
- If you’re a county official with campaign accounts on social media, which you use to discuss county business... **PUBLIC**.

Post Records Online

Save time by posting commonly requested records online

- Use YouTube



CASA Department

14 views • 10 months ago



Weights & Measures

21 views • 11 months ago

CC



Human Resources

14 views • 11 months ago

CC



Library System

310 views • 1 year ago

CC



District Attorney's Office

349 views • 1 year ago

CC





















Dennis Marion Building
Dedication

50 views • 1 year ago

Post Records Online

Save time by posting commonly requested records online

- Use YouTube

 Finance Meeting November 20, 2019 11 views • 2 days ago	 Board of Commissioners Meeting November 19, 2019 27 views • 3 days ago	 Commissioners Workshop Meeting November 14, 2019 15 views • 1 week ago	 Finance Meeting November 6, 2019 15 views • 2 weeks ago	 Board of Commissioners Meeting November 4, 2019 44 views • 2 weeks ago	 Commissioners Workshop Meeting October 31, 2019 40 views • 3 weeks ago
 Finance Meeting October 30, 2019 14 views • 3 weeks ago	 Finance Meeting October 23, 2019 25 views • 4 weeks ago	 Board of Commissioners Meeting October 21, 2019 23 views • 1 month ago	 Commissioners Workshop Meeting October 17, 2019 31 views • 1 month ago	 Finance Meeting October 9, 2019 52 views • 1 month ago	 Board of Commissioners Meeting October 7, 2019 33 views • 1 month ago
 Finance Meeting October 2, 2019 41 views • 1 month ago	 Commissioners Workshop Meeting October 02, 2019 43 views • 1 month ago	 Finance Meeting September 25, 2019 18 views • 1 month ago	 Board of Commissioners Meeting September 23, 2019 27 views • 1 month ago	 Commissioners Workshop Meeting September 19, 2019 44 views • 2 months ago	 Finance Meeting September 18, 2019 34 views • 2 months ago

Use Common Sense

You do NOT have to REQUIRE a formal request

- After the election, a reporter working on a story about straight-party voting in PA called counties for data
- Most said, “Here’s the data, thanks for calling.”
- A few counties said, “Submit a formal RTK request.”
 - That causes unnecessary work for county personnel
 - For easy requests, use common sense & provide the records

Information In Databases

Information in databases subject to presumption of openness

- Commonwealth Court has ruled, repeatedly, that agencies must provide non-exempt information from databases
- RTKL says agencies do not have to create a record...
but pulling info from a database is not “creating a record”

RTKL Does Not Always Apply

RTKL does not apply to...

- Police recordings (e.g., county detectives) – Act 22 of 2017
 - More [info on OOR website](#)
- Judicial records (e.g., judges, prothonotary, clerk of courts)
 - More [info on OOR website](#)

How Much Can You Charge?

OOR developed fee schedule pursuant to RTKL

- General rule: No charge for electronic records
 - Redactions may necessitate printing electronic records
- Up to \$0.25/page for hard copies (8.5 x 11, b&w)
- Cannot charge for staff time
- More [details on the OOR website](#)

How Long Does This Take?

RTKL lays out a very specific timeline

- Agency must respond **within 5 (agency) business days**
 - If no response received, request is deemed denied
- Agency can extend timeline by 30 calendar days
 - Any other extension must be agreed to by requester & **in writing**
- **The county AORO is absolutely essential**
 - Detail-oriented, able to get along w/ various personality types

If the County Denies a Request

Most denials can be appealed to the OOR

- If request is denied, appeal can be filed within 15 business days
- Most appeals filed with the OOR
 - Denials from **local** agencies based on **criminal investigatory records** appealed to county DA
- Redactions & fees can be appealed
- OOR offers a voluntary mediation program
- OOR has 30 calendar days to issue a decision

Pending Legislation

Numerous bills introduced in General Assembly to amend RTKL

- Commercial requests (different fee schedule)
- Inmate requests (limiting to certain categories)
- Vexatious requesters (allowing agencies to seek relief)
- Bad-faith agencies (strengthening penalties)
- OOR working with CCAP, PNA & many others to advance
- Contact your Senators & Representatives to comment

OOOR Resources

Website, Twitter, Email Lists & More

- Web: <https://openrecords.pa.gov/>
- Blog: <https://openrecordspennsylvania.com/>
- Email lists: Daily Digest of FDs & General Updates
 - <https://www.openrecords.pa.gov/EmailSubscriptions.cfm>
- Twitter: [@OpenRecordsPA](#)
 - Executive Director: [@ErikOpenRecords](#)
- [YouTube Channel](#)
- Open Records in PA Podcast: [Apple Podcasts](#), [Stitcher](#), etc.