

**LOWER MOUNT BETHEL TOWNSHIP  
RIGHT TO KNOW LAW POLICIES AND PROCEDURES**

The following are guidelines established by the Lower Mount Bethel Township Board of Supervisors with regards to Act 3 of 2008, the Right to Know Law.

**Appointment of a Right to Know Officer**

The Lower Mount Bethel Township Board of Supervisors shall appoint an open records officer to handle all compliance issues related to the Right to Know Law, and an alternate open records officer to handle all compliance issues in the absence of the right to know officer. The right to know officer shall:

- Receive Right to Know requests submitted to Lower Mount Bethel Township.
- Direct Right to Know requests to other appropriate persons within Lower Mount Bethel Township or to appropriate persons in another agency.
- Track the progress of Lower Mount Bethel Township in responding to requests in a timely manner.
- Issue interim and final responses under this act.

**Right to Know Requests**

All Right to Know requests shall be submitted in writing to: Jennifer W. Smethers, Right to Know Officer of Lower Mount Bethel Township, utilizing the Pennsylvania Office of Open Records, [Standard Right-To-Know Request Form](#).

**Written requests may be:**

- E-mailed to [manager@lowermtbethel.org](mailto:manager@lowermtbethel.org), or
- Faxed to (610) 253-8971, or
- Sent by U.S. Mail to P.O. Box 257, Martins Creek, PA 18063, or
- Delivered in-person to 2004 Hutchison Avenue, Martins Creek, PA.

If the requestor wishes to pursue the relief and remedies provided for in this act, the request for access must be in writing. Lower Mount Bethel Township will not accept verbal or written anonymous requests. A written request for information under the Right to Know Act does not need to include any explanation of the requestor's reasons for requesting the information or the intended use of the information unless otherwise required by law.

**Responses to Written Requests**

Lower Mount Bethel Township will respond to all Right to Know requests, in writing, by issuing one of the following responses:

- Granting the request; or
- Granting in Part/Denying in Part; or
- Denying the request

**LOWER MOUNT BETHEL TOWNSHIP  
RIGHT TO KNOW LAW POLICIES AND PROCEDURES**

The Township may also issue a response that the record(s) requested cannot be produced within the five-day required period and exercise the ability to get a 30-day extension period to fulfill the request.

**Fee Structure**

Section 1307 of the Right to Know Law requires the Office of Open Records to establish a fee structure for Commonwealth Agencies and Local Agencies. The law requires that the Office of Open Records review the fee structure biannually. Any updates to the fee structure based upon these reviews will be posted to their website. Lower Mount Bethel Township will review any changes in the fee structure promulgated by the Office of Open Records and incorporate the changes as necessary to remain in compliance. Lower Mount Bethel Township will utilize the [Office of Open Records Fee Schedule](#).

**Inspection of Redacted Records**

If a requester wishes to inspect rather than receive a copy of a record and the record contains both public and non-public information, Lower Mount Bethel Township shall redact the non-public information. Lower Mount Bethel Township may not charge the requester for the redaction. However, Lower Mount Bethel Township may charge for the copies it must make of the redacted material in order for the requester to view the public record. The fee structure outlined above will apply. If, after inspecting the records, the requester chooses to obtain the redacted copies, no additional fee may be charged.

**Fee Limitations**

Except as otherwise provided by statute, the law states that no other fees may be imposed unless Lower Mount Bethel Township incurs costs for complying with the request, and such fees must be reasonable. No fee may be imposed for Lower Mount Bethel Township's review of a record to determine whether the record is a public record, legislative record or financial record subject to access in accordance with this Act. No fee may be charged for searching for or retrieval of documents. Lower Mount Bethel Township may not charge staff time or salary for complying with a Right to Know request.

**Prepayment**

Prior to granting a request for access in accordance with this Act, Lower Mount Bethel Township may require the requestor to prepay an estimate of the fees authorized under this section if the fees required to fulfill the request are expected to exceed \$100.

**LOWER MOUNT BETHEL TOWNSHIP  
RIGHT TO KNOW LAW POLICIES AND PROCEDURES**

**Note:** Once the request is fulfilled and prepared for release, Lower Mount Bethel Township will follow the recommendation of the Office of Open Records to obtain the cost of the records prior to releasing the records. This recommendation is designed to avoid situations in which the agency provides the records, and the requestor fails to submit payment.

# **Office of Open Records – Official RTKL Fee Schedule**

*Updated December 30, 2022*

<b>Record Type / Delivery Method</b>	<b>Fee</b>
Black & White Copies (first 1,000)	Up to \$0.25 per copy.
Black & White Copies (beyond 1,000)	Up to \$0.20 per copy. <sup>1</sup>
Color Copies	Up to \$0.50 per copy. <sup>2</sup>
Specialized Documents <sup>3</sup>	Up to actual cost.
Records Delivered via Email	No additional fee may be imposed. <sup>4</sup>
CD / DVD	Up to actual cost, not to exceed \$1.00 per disc.
Flash Drive	Up to actual cost.
Facsimile	Up to actual cost. <sup>5</sup>
Other Media	Up to actual cost.
Redaction	No additional fee may be imposed. <sup>6</sup>
Conversion to Paper	Up to \$0.25 per page. <sup>7</sup>
Photographing a Record	No additional fee may be imposed. <sup>8</sup>
Postage	Up to actual cost of USPS first-class postage.
Certification of a Record	Up to \$5.00 per record. <sup>9</sup>

<sup>1</sup> A “copy” is either a single-sided copy, or one side of a double-sided copy, on 8.5”x11” or 8.5”x14” paper.

<sup>2</sup> A “copy” is either a single-sided copy, or one side of a double-sided copy, on 8.5”x11” or 8.5”x14” paper. Note that a requester may ask for black and white copies even if the original is in color and color copies are available.

<sup>3</sup> Including, but not necessarily limited to, non-standard sized documents and blueprints.

<sup>4</sup> If a requester asks to receive records which require redactions in electronic format and the agency is unable to securely redact the records by electronic means, an agency may print the records to provide for secure redaction, then scan them in for delivery by email. Accordingly, the agency may charge the fees noted above for either B&W or color copies, as appropriate.

<sup>5</sup> If an agency must print records to send them by facsimile, the agency may charge the fees noted above for B&W copies.

<sup>6</sup> If a requester seeks records requiring redaction and the agency is unable to securely redact the records by electronic means, an agency may copy or print the records to provide for secure redaction. Accordingly, the agency may charge the fees noted above for either B&W or color copies, as appropriate.

<sup>7</sup> If a record is only maintained electronically or in other non-paper media, duplication fees shall be limited to the lesser of the fee for duplication on paper or the fee for duplication in the original media, unless the requester specifically requests for the record to be duplicated in the more expensive medium. *See § 1307(d)*.

<sup>8</sup> This assumes the requester is using his or her own camera, such as a cellphone camera, to photograph the records. *See Muenz v. Township of Reserve, OOR Dkt. AP 2015-1021, 2015 PA O.O.R.D. LEXIS 1176*. If redaction is required prior to the requester being granted access to photograph records and the agency is unable to securely redact the records by electronic means, an agency may copy or print the records to provide for secure redaction. Accordingly, the agency may charge the fees noted above for either B&W or color copies, as appropriate.

<sup>9</sup> Under the RTKL, an agency may impose “reasonable fees for official certification of copies if the certification is at the behest of the requester and for the purpose of legally verifying the public record.” The OOR recommends no more than \$5 per record to certify a public record. Certification fees do not include notarization fees.

## **Additional Notes**

**Fees May Be Waived:** All fees established herein may be waived at the discretion of the agency.

**Medium Requested:** A record being provided to a requester shall be provided in the medium requested if it exists in that medium; otherwise, it shall be provided in the medium in which it exists. *See § 701.*

**Other Statutory Fees:** If a statute other than the RTKL governs the amount an agency may charge for a certain type of record, the other statute controls. For example, a Recorder of Deeds may charge a copy fee of 50 cents per uncertified page and \$1.50 per certified page (42 P.S. § 21051). Police departments may charge up to \$15 for a copy of a vehicle accident report (75 Pa.C.S. §3751 (b)(2)); the Philadelphia Police Department may charge up to \$25 per copy (Id. at (b)(3)). State police are authorized to charge “\$5 for each copy of the Pennsylvania State Police full report of investigation.” (75 Pa.C.S. §1956(b)). Other examples include the History Code, the Municipalities Planning Code, and the Criminal History Record Information Act.

**Inspection of Redacted Records:** If a requester wishes to inspect, rather than receive copies of, records which contain both public and non-public information, the agency may redact the non-public information. An agency may not charge the requester for the redaction itself. However, an agency may charge (in accordance with the OOR’s Official Fee Schedule) for any copies it must make in order to securely redact the material before allowing the requester to view the records. If, after inspecting the records, the requester chooses to obtain the copies, no additional fee may be charged.

**Enhanced Electronic Access:** If an agency offers enhanced electronic access to records in addition to making the records accessible for inspection and duplication by a requester, the agency may establish user fees specifically for the provision of the enhanced electronic access. The user fees for enhanced electronic access may be a flat rate, a subscription fee for a period of time, a per-transaction fee, a fee based on the cumulative time of system access, or any other reasonable method and any combination thereof. Such fees shall not be established with the intent or effect of excluding persons from access to records or duplicates thereof or of creating profit for the agency. **NOTE: Fees for enhanced electronic access must be reasonable and must be pre-approved by the OOR. Please [submit enhanced electronic access fee requests to the OOR](#).**

**Fee Limitations:** Except as otherwise provided by statute, the RTKL states that no other fees may be imposed unless the agency necessarily incurs costs for complying with the request, and such fees must be reasonable. No fee may be imposed for an agency’s review of a record to determine whether the record is a public record subject to access under the RTKL. No fee may be charged for searching for or retrieval of documents. An agency may not charge staff time or salary for complying with a RTK request. No fee may be charged for an agency’s response letter.

**Prepayment:** Prior to granting a request for access in accordance with the RTKL, an agency may require a requester to prepay an estimate of the fees authorized under this section if the fees required to fulfill the request are expected to exceed \$100. Once a request is fulfilled and prepared for release, the OOR recommends that an agency obtain payment prior to releasing the records.

**Questions:** If you have any questions regarding the OOR’s Official Fee Schedule, please [contact the OOR](#) (email: [openrecords@pa.gov](mailto:openrecords@pa.gov), telephone: 717-346-9903).

**TOWNSHIP OF LOWER MOUNT BETHEL  
NORTHAMPTON COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2024-13**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF  
LOWER MOUNT BETHEL TOWNSHIP, NORTHAMPTON  
COUNTY PENNSYLVANIA ESTABLISHING POLICIES  
FOR ANONYMOUS RIGHT TO KNOW REQUESTS**

**WHEREAS**, Pennsylvania's Right to Know Law, Section 504 permits an agency to promulgate regulations and policies necessary for the agency to implement the Act; and

**WHEREAS**, Pennsylvania's Right to Know Law, Section 505 permits an agency to accept the uniform form developed by The Office of Open Records; and

**WHEREAS**, Pennsylvania's Right to Know Law, Section 702 gives agencies discretion to fulfill or ignore anonymous requests.

**THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of Lower Mount Bethel Township, Northampton County, Pennsylvania, as follows:

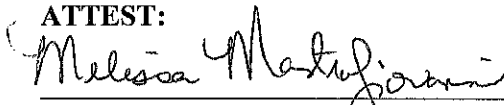
1. All Right to Know Requests must be submitted to the Township's Open Records Officer in writing, on the form developed by The Office of Open Records, which is provided to Requesters on the Township's website or in the Township office located at 2004 Hutchison Avenue, Martins Creek; and
2. All Right to Know Requests must be from a "Requester" as defined in the Right to Know Law, Section 102 Definitions; and
3. The Township will not accept verbal or written anonymous requests. All Right to Know requests must include the Requester's legal name, mailing address, email address (if applicable), and phone number as required on the Township's Right to Know Law Request Form.

**DULY ADOPTED, ENACTED AND ORDAINED** this 9<sup>th</sup> day of **September 2024** by the Board of Supervisors of the Township of Lower Mount Bethel, Northampton County, Pennsylvania, at a duly advertised meeting of the Board of Supervisors at which a quorum was present.

(seal)

**LOWER MOUNT BETHEL TOWNSHIP  
BOARD OF SUPERVISORS**

**ATTEST:**

  
Melissa Mastrogiovanni, Township Secretary

By:   
Michael DeBerardinis, Chairperson