

**RESOLUTION #10-2024
BOROUGH OF MODENA
CHESTER COUNTY, PENNSYLVANIA**

**A RESOLUTION OF BOROUGH COUNCIL
ADOPTING AN OPEN RECORDS POLICY.**

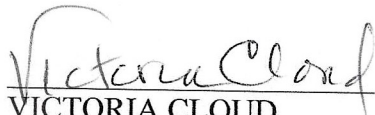
WHEREAS, the Pennsylvania Right-to-Law, 65 P.S. §67.504(a) permits agencies to develop policies to implement the law; and

WHEREAS, the Borough Council desires to adopt an Open Records Policy.

NOW, THEREFORE, BE IT RESOLVED, that the Modena Borough Council hereby adopts the Open Records Policy attached hereto as Exhibit "A."

ADOPTED as a Resolution this 20th day of December, 2024.

ATTEST:


VICTORIA CLOUD
Borough Secretary

MODENA BOROUGH COUNCIL


JENNIFER DAYWALT
President

APPROVED this the 20th day of December, 2024.

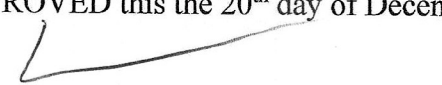

MICHAEL HARVEY
Mayor



Exhibit A

OPEN RECORDS POLICY

The following policy is hereby established by the Borough of Modena (the "Borough") in regard to requests for public records in possession of the Borough ("Borough records"), in accordance with the Right-to-Know Law, 65 P.S. §§670101 *et seq.*:

1. Any member of the public has the right to examine and inspect any public record of a public agency under authority of the Pennsylvania Right-to-Know Law, ("RTKL").
2. If a member of the public decides to request information via the RTKL, the requesting party must follow the procedures established under that law. The RTKL provides for the denial of access to some public records, redaction of certain information, and responses to request for access. The RTKL also provides processes for appealing any denial of access by the Borough.
3. A "record," as defined by the RTKL, is defined as: 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. The term "record" includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically, and a data-processed or image-processed document. A "public record" is any record that is not exempt from disclosure under section 708 of the RTKL; is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or is not protected by a privilege.
4. Requests for review of any Borough records should be made in writing on the [Borough of Modena Right-to-Know Request Form \[PDF\]](#) ("request form"), and should be directed to the Borough Open Records Officer, P.O. Box 116, 5 Woodland Avenue, Modena, PA 19358 or via email to Secretary@boroughofmodenapa.org. The completed request form shall include the date of the request, the name and address of the requester, a clear and specific description as to which documents or records are to be reviewed, and other information and certifications required on the request form. The request form is available at the Borough building and on the Borough's website.
5. The Borough will not accept any anonymous requests for records. Requests that do not include the full name and contact information of the requester will not be considered by the Borough Open Records Officer.
6. The Borough Open Records Officer shall review all written requests submitted on the request form for access to Borough records. As soon as possible, but no later than five (5) business days after receiving a completed request form, the Borough Open Records Officer shall respond to all such requests in a manner consistent with the RTKL. The RTKL also allows an extension of up to thirty (30) days under certain circumstances. The Open Records Officer shall notify the requesting party if such an extension is required.

Review and Duplication of Borough Records

1. Borough records may be reviewed between the hours of 8:00 a.m. and 12:00 p.m. on regular Borough business days, by appointment only. Appointments must be made with the Borough Open Records Officer, or other designated Borough staff, as directed by the Borough Open Records Officer.
2. When responding to a request for review, the Borough is not required to create a record which does not currently exist or to compile information into a new or different format. Records shall be produced and/or copied in the format in which they are requested if they are maintained in that format, otherwise records will be produced in the format in which they exist, all in accordance with the RTKL.
3. In the case of any Borough records to be reviewed, the Borough reserves the right to oversee all reviews. In no case shall records and files be reviewed without Borough staff present. The Borough reserves the right to limit inspection periods to 30 minutes per sitting and the number of times per month that reviews can take place.
4. A request may be made for copies of any Borough records. Copies will be made as soon as practical by the Borough, given other duties of the Borough staff. Appropriate charges will be made for all copied material, in accordance with the copying and expense fees as established by the RTKL. Payment of all copying and expense fees is required before any documents will be produced.
5. At no time shall any original Borough records be removed from the Borough building.
6. No copying of original Borough records may be done by the requesting party or any third party, unless requested by the Borough Open Records Officer or other designated Borough staff.
7. The Borough does not have the capability to copy full-size plan sets. Additionally, the Borough will not reproduce copyrighted material, including plan sets.

Appeals & Denials

If a request to review and/or receive copies of Borough records is denied, the requester may file an appeal to the Pennsylvania Office of Open Records, in accordance with the Pennsylvania RTKL, within fifteen (15) days of the notice of denial.

Any questions or comments regarding Borough policy regarding records should be directed to the Borough Open Records Officer or the Pennsylvania Office of Open Records, the contact information for which shall be listed on the Borough website and posted in an area of the Borough building which is accessible to the public.