

INTERIM GUIDELINES GOVERNING OPEN RECORDS APPEALS

Requests to Inspect Judicial Records and Records Manager:

- A. A request to inspect or obtain copies of records accessible pursuant to Pa.R.J.A. 509 or any other public law, which are in the possession or control of a court of this Judicial District, shall be made in writing and addressed to the District Court Administrator, who is designated as the Records Manager for the 19th Judicial District. A request to inspect records maintained by a Magisterial District Judge may be referred by the District Court Administrator to the judge whose court is subject to the request.
 - (1) The request shall identify the person making the request, the person's address and telephone number, and whether the request is to copy records and if so, in what format, and shall identify or describe the records with sufficient specificity to enable the Court Administrator to ascertain which records are being requested.
 - (2) The Court Administrator shall charge reasonable fees for granting access to the records requested, including but not limited to, photocopying or printing from electronic media at the rate of \$.25 per page, costs of postage, copying onto electronic media, or other means of duplication.
- B. Upon receipt of a written request for access to records pursuant to section A above, the Court Administrator shall send a copy of the request to the President Judge and to the solicitor for the County of York.
- C. If the Court Administrator denies a written request for access to records, the denial may be appealed in writing to the President Judge within 15 business days of the mailing date of the response or within 15 days of the deemed denial.
- D. A final decision on the appeal shall be mailed to all interested parties within 30 days of the receipt of the appeal.

Appeals from Determinations Concerning Open Records:

- A. Appeals from determinations of an Open Records Appeals Officer, or the Office of Open Records shall be filed in the Office of the Prothonotary within the time limits set forth in 65 P.S. Sec. 67.1302.
- B. An appeal shall be in writing and shall contain the following information:
 - (1) The Complainant's full name, address, telephone and fax number; and
 - (2) A concise statement of relevant facts including, but not limited to:
 - a. The name, title, address, telephone and facsimile numbers, if known, of the agency and any agency official alleged to have denied

- the Complainant a right conferred by the Right to Know Law;
 - b. A description of the records requested;
 - c. The date of the Right to Know request;
 - d. The date of any response or the date the response was deemed denied;
 - e. A statement of the grounds upon which the requester asserts that the record is a public record;
 - f. A statement addressing any grounds stated by the agency for delaying or denying the request, including any unusual circumstances or emergency situations that may have contributed to the delay;
 - g. A copy of any pertinent correspondence or other documents; and
 - h. A statement that all material provided by the agency has been submitted with the appeal.
- (3) A copy of the appeal and attached documents shall be sent to the open records officer and to the open records appeals officer of the agency whose action is being appealed. A statement setting forth the date and method of service shall be filed with the appeal documents.
- C. The petition for review shall be presented to the Court pursuant to local rules of civil procedure during a session of motions court, upon proper notice to all interested parties.
- D. The agency shall file a response as directed by the Court, which response shall include a statement of the legal basis for the agency's position.
- E. A final decision on the appeal shall be mailed to all interested parties within 30 days of the receipt of the appeal.