

YouthBuild Philadelphia Charter School Right-to-Know Policy

PURPOSE: To comply with the Pennsylvania Right-to-Know Law, Act 3 of 2008, effective January 1, 2009.

POLICY: Unless otherwise provided below and by law, any public record maintained by YouthBuild Philadelphia Charter School shall be accessible for inspection and duplication in accordance with the Pennsylvania Right-to-Know Law.

What is a “public record”?

Any record of YouthBuild Philadelphia Charter School is a public record, provided that the record is not (1) exempt under the Pennsylvania Right-to-Know Law, (2) exempt from being disclosed under any other Federal or State law, or regulation or judicial order or decree, or (3) protected by privilege.

What is NOT a “public record”?

Information that is not presumed to be a “public record” includes:

- Social security numbers
- Driver’s license numbers
- Employee numbers
- Home, cellular or other personal telephone numbers
- Personal financial information
- Spouse’s name, marital status, and beneficiary or dependent information

Information that is exempt from disclosure is any confidential information that is protected by other Federal and State laws, including the Federal Individuals with Disabilities Improvement Act (IDEIA) (the Special Education Law), the Federal Educational Rights and Privacy Act (FERPA) (protecting the privacy of student records and information), and the Federal Health Insurance Portability and Accountability Act (HIPAA) (protecting staff and students’ medical information).

Also exempt from disclosure are the following explicit exceptions to the Pennsylvania Right-to-Know Law:

- Any record that, if disclosed, would be reasonably likely to result in a substantial and demonstrable risk of physical harm to, or the personal security of, an individual;
- Records that if released would jeopardize computer security;
- Individually-identifiable health-information records;
- Confidential employment records, including performance reviews and ratings;
- Records that reveal internal, pre-decisional deliberations and strategies;
- Academic transcripts;
- Records relating to, or resulting in, criminal and non-criminal investigations;
- Draft minutes of any meeting until the next regularly-scheduled meeting;

- Minutes of an executive session and any record of discussions held in executive session;
- Competitive bid proposals;
- Insurance-carrier communications and risk-management-officer communications; and
- A record identifying the name, home address or birthdate of a child 17 years old or younger.

Upon receipt of a written request, the School shall make a good-faith effort to determine if the requested record is a public record and to respond to the request as promptly as possible under the circumstances existing at the time of the request. In any event, the response-time shall not exceed 5 business days from the date the written request is received by the School's Open Records Officer.

PROCEDURES:

A. Requests

To request a public record—

- the person making the request must be a legal resident of the United States;
- the request may be submitted in person, or by mail, fax or email;
- the request must:
 - be submitted in writing on YouthBuild Philadelphia's Right-to-Know Written Request Form;
 - be addressed to the School's Open Records Officer; contain a name and address where the School should send its response (that is, no anonymous request will be considered that does not identify the requester); identify or describe the public records sought with sufficient specificity to enable the School to ascertain which records are being requested, but the requester need not include the reason for the request or the intended use of the records; and written requests should be directed to:

Jennifer Whistler
Open Records Officer
YouthBuild Philadelphia Charter School
2309 North Broad Street
Philadelphia, PA 19132
Fax: 215-763-5774
Email: jwhistler@youthbuildphilly.org

Upon receiving a request, the Open Records Officer shall, at a minimum, promptly complete the following tasks to the extent required by the Right-to-Know Law:

- date-stamp or otherwise note the date of receipt on the request;
- compute the day on which the five-business-day period will expire and make a notation of that date;
- maintain a paper or electronic copy of the request;
- create an official file for the retention of the original request; and
- maintain a copy of the response to the request.

B. Responses

- The Open Records Officer may respond by providing a requester with access to inspect a record

electronically or as otherwise maintained by the School, either:

- by providing access in the offices of the School,
- by sending a copy to the requester, or
- by notifying the requester that the record is available through publicly accessible electronic means. Each of these options is a "response" for purposes of the Right-to-Know Law, as is the School's written notice to the requester granting, denying or partially granting and partially denying access to a record. The School may send written responses to requesters by United States mail, by hand (in person or by delivery service), by facsimile or by email.

C. The Open Records Officer shall make a good-faith effort to determine if the requested record is a public record and to respond to the request as promptly as possible under the circumstances existing at the time of the request. In any event, either a final or an interim written response shall be made within 5 business days from the date the written request is received by the School's Open Records Officer.

For purposes of determining the end of the five business day period, the day that a Right-to-Know Law request is received is not counted. The first day of the five business day period is the School's next business day.

If the Open Records Officer fails to respond within 5 business days, the request will be deemed to have been denied.

D. Interim Responses

The School must provide a final response to a Right-to-Know Law request within five business days unless one or more specific conditions are satisfied and the Open Records Officer gives the requester written notice that additional time will be required. That notice is referred to as an "interim response."

The Open Records Officer may invoke a single extension of up to 30 calendar day under certain specific circumstances. The Open Records Officer may send an interim response if any of the following apply:

- The request requires redaction of a public record;
- The request requires retrieval of a record from a remote location;
- A response within the five business day period cannot be accomplished due to bona fide staffing limitations, which limitations must be specified in the interim response;
- A legal review is necessary to determine whether the record requested is subject to access under the Act;
- The requester has not complied with the School's policies regarding access to public records;
- The requester has not complied with a demand for prepayment of fees, which are required to fulfill the request and which are estimated to exceed \$100; further, if prepayment of fees is required by the School, the time period for response shall be tolled from the time the demand for payment is made until such time as payment is actually received; or
- The extent or nature of the request precludes a response within the required time period.

An interim response must:

- be sent to the requester on or before the last day of the five business day period;
- state that the request is being reviewed and the reason for the review;

- give an estimate of applicable fees owed when the record becomes available; and
- state a reasonable date that a response is expected to be provided. This date must not be more than 30 calendar days from the end of the five business day period.

If the date of an expected response is in excess of 30 days (following the original five days allowed), the request will be deemed denied unless the requester has agreed in writing to the date specified in the notice. Likewise, if the Open Records Officer notifies the requester that the School needs more time than the maximum allowed 30 days, the request will be deemed to have been denied.

4. Final Responses

There are three possible final responses. Either the request is: (1) granted; (2) denied; or (3) granted in part and denied in part. The failure to make a timely response is deemed to be a denial.

If a written request is denied in whole or in part, the School will issue a final written response that will include an explanation of the procedure for the requester to appeal, if the requester chooses to do so. The written denial will also set forth the specific reasons for the denial, including a citation of supporting legal authority. If the denial is the result of a determination that the record requested is exempt from disclosure, the specific reasons for the School's determination shall be included.

C. Redaction

The School will not deny access to a record based upon the fact that portions of the record are not public records and, as a result, not subject to disclosure. The School will redact the portions that are not public records and produce the portions that are public records.

D. Access

The School may provide a requester with access to inspect a record electronically or as otherwise maintained by the School, either: 1) by providing access in the offices of the School, 2) by sending a copy to the requester, or 3) by notifying the requester that the record is available through publicly-accessible electronic means.

The Open Records Officer has the discretion to establish procedures governing access—

- the choice of room where requesters may have physical access to some or all of the School's public records,
- the hours of access,
- the need and adequacy of proof of identification, restrictions or prohibitions on the removal of records,
- the use of written requests, and
- the ability of a requester to bring his/her own equipment into the room.

The School will provide a public record to a requester in the medium requested if the record exists in that medium. Otherwise, the public record must be provided in the medium in which it exists. If a public record only exists in one medium, the School is not required to convert that public record to another medium, except that if the public record is only available in an electronic form, the School must print it out on paper, if the requester so requests.

The School is not required to create a public record that does not already exist, nor is it required to compile, maintain, format or organize a public record in a manner in which the School does not currently do so.

E. Duplication of Public Records

The School may either make copies itself or, in its discretion, allow the requester to bring the necessary equipment to make its own copies. The School may make its duplication equipment available to a requester but require that the requester operate the equipment, assign School staff to make the duplications, or contract for duplication services and require the requester to pay the applicable rate.

F. Appeals

When a request is denied or deemed denied, whether in whole or in part, the requester may file an appeal with the Office of Open Records, where it will be assigned to an Appeals Officer. This appeal must be filed within 15 business days of the denial or deemed denial. The appeal must state the grounds upon which the requester asserts that the record is public, and should address any grounds stated by the School for delaying or denying the request. The appeal shall be sent to:

The Commonwealth Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17120-0225
Phone: 717-346-9903
Email: openrecords@state.pa.us

A person other than the School or the requester, with a direct interest in the record that is subject to an appeal, has 15 days following actual knowledge of the appeal, but no later than the date the Appeals Officer issues an order, to file a written request to provide information or to appear before the Appeals Officer in support of the requester's or the School's position in the appeal. The Appeals Officer may, but needs not, grant the request. For further information on appeals, it is suggested that the requester review the website of the Office of Open Records.

G. Fees

Applicable fees to be charged by the School under the Right-to-Know Law are as follows:

- Duplication Fee

The School will charge a maximum of \$0.25 per page for duplication.

- Specialized Fees

- o The School will charge \$1.00 per copy for certified copies, when requested by the requester.
- o The School will charge the actual cost for postage, facsimile/microfiche or other media, as well as for specialized documents.

- Reasonable and Necessarily Incurred Costs

The School will determine and charge requesters reasonable fees for necessarily incurred costs on a case by case basis.

- General

No charge shall be made for School or legal review of the record to see whether the requested records are public records that are subject to production.

If the estimated fees that are required to fulfill the request exceed \$100, it may be necessary for the requester to pay the estimated amount in advance, either by certified check or by ordinary check, which must first have cleared to be considered received by the School. The demand for prepayment may specify a reasonable period of time in which the requester must make such prepayment. If the requester fails to make prepayment within the specified time, the School is not required to produce the records requested.

All applicable fees must be paid in order to receive access to the record requested.