

**CUMBERLAND COUNTY RECYCLING & WASTE AUTHORITY
OPEN RECORDS POLICY**

A POLICY SETTING FORTH THE ADMINISTRATION OF OPEN RECORDS AND DOCUMENT RETENTION.

WHEREAS, the purpose of this Document is to establish policies pertaining to Open Records, the Creation of the Position of Open Records Officer, and the Retention of Miscellaneous Records and Documents; and

NOW THEREFORE, Be It Resolved that:

The Cumberland County Recycling & Waste Authority hereby enacts and adopts the following:

**SECTION 1
SHORT TITLE**

This document shall be known as and may be cited as “Cumberland County Recycling & Waste Authority Open Records and Document Retention Policy”.

**SECTION 2
APPLICATION**

This policy shall apply uniformly to public records of the Cumberland County Recycling & Waste Authority and shall conform to the mandates of revisions to the Pennsylvania Right-To-Know Law, as amended by Act 3 of 2008, signed February 14, 2008.

**SECTION 3
DEFINITIONS**

Aggregated Data – A tabulation of data which relate to broad classes, groups or categories so that it is not possible to distinguish the properties of individuals within those classes, groups or categories.

Confidential proprietary information – Commercial or financial information received by the Authority:

- (1) which is privileged or confidential; and
- (2) the disclosure of which would cause substantial harm to the competitive position of the person that submitted the information.

Financial record – Any of the following:

- (1) Any account, voucher or contract dealing with:
 - (i) the receipt or disbursement of funds by the Authority;
or
 - (ii) the Authority’s acquisition, use or disposal of services, supplies, materials, equipment or property
- (2) The salary or other payments or expenses paid to an officer or employee of the Authority, including the name and title of the officer or employee.

Privilege – The attorney-work product doctrine, the attorney-client privilege, the doctor-patient privilege, the speech and debate privilege or other privilege recognized by a court interpreting the laws of this Commonwealth.

Public Record – A record, including a financial record, of the Authority that:

- (1) is not exempt under Section 708 of Act 3 of 2008;
- (2) is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or
- (3) is not protected by a privilege.

Record – Information, regardless of physical form or characteristics, that documents a transaction or activity of the Authority and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the Authority. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and data-processed or image-processed document.

Requestor – A person that is a legal resident of the United States and requests a record pursuant to Act 3 of 2008. The term includes an agency.

Response – Access to a record or the Authority’s written notice to a requestor granting, denying or partially granting and partially denying access to a record.

SECTION 4
OPEN RECORDS POLICY

1. A public record or financial record shall be accessible for inspection and duplication during regular business hours of the Authority.

2. A Requester may make a request in person, by mail, facsimile or e-mail. The actual request must be in writing and conform to Paragraph 4 below.
3. The Authority has hereinafter appointed an “Open Records Officer”. A Requester must direct his or her request to the Authority’s Open Records Officer.
4. The written request must identify or describe the records sought with sufficient specificity so that the Authority and the Open Records Officer can determine which records a requester seeks and must include the name and address to which the Authority should address its response. A requester does not need to explain why he or she wants a particular record, except as otherwise required by law (Section 703, Act 3 of 2008).
5. The Authority may, but is not required to fulfill a verbal and/or anonymous request.
6. The Authority shall be required to give a response to the written request within five (5) business days.
7. The Authority shall be entitled to charge fees as more specifically set forth in the FEE ADDENDUM attached hereto and for postage based on the actual cost of mailing.
8. The Authority shall make a good faith effort to determine whether a requested record is a public record, or financial record and will respond to the request as promptly as possible, which cannot exceed five (5) business days. If the Authority fails to send its initial response within five (5) days, the request is deemed denied.
9. The Authority must respond within five (5) days by doing one of the following:
 - a. Provide access to or copies of the records (or parts of them);
 - b. Request an extension of time to respond, which must be made in writing to a requester within five (5) business days; and/or
 - c. Issue a written denial, which must include:
 - i. A description of the records requested;
 - ii. The specific reasons for the denial, including a citation of supporting legal authority;

- iii. The name, title, address, telephone number, and signature of the open-records officer who issued the denial;
 - iv. The date of the response; and
 - v. The procedure to appeal the denial.
10. If the Authority requests an extension, it must issue its response within five (5) business days explaining that the request is being reviewed, the reason for the review, and a reasonable date that a response is expected to be provided. This response is only permitted where one of the following applies:
- a. The request requires redaction;
 - b. The request requires the Authority to retrieve documents that are stored in a remote location;
 - c. The Authority cannot respond due to “bona fine and specified” staffing limitations;
 - d. A legal review is necessary to determine whether the record is subject to access;
 - e. The requestor has not complied with the Authority’s policies regarding access to records;
 - f. The requestor refuses to pay applicable fees; or
 - g. The extent or nature of the request precludes a response within the required time period.
11. Notwithstanding the exceptions above, the anticipated “final” response date must be within five (5) business days plus thirty (30) calendar days of the original request, unless the requester has agreed in writing to an additional extension. If no extension has been granted, and the response is expected to or actually does take longer than thirty (30) additional days, the Authority’s response is deemed denied. If the requester has agreed to an additional extension, the request is deemed denied on the day after the extension expires.

SECTION 5
OPEN RECORDS OFFICER

1. The Cumberland County Recycling & Waste Authority shall appoint on an annual basis a Open Records Officer, who shall be responsible for carrying out the mandates of this Policy and

2. The name and contact information for the Open Records Officer shall be posted at the Authority's office in a prominent place and on the Authority's Website.
3. The Open Records Officer shall receive the requests, record the time and date of receipt of the request, direct them to the appropriate persons, to include if necessary, the Authority Solicitor, track the Authority's progress in responding to the request and issue interim and final responses.

SECTION 6
RECORDS RETENTION POLICY

1. The retention and disposition of records as more specifically set forth hereinafter shall be subject to the following:
 - A. Administrative Records;
 - (1) Agendas- Permanent if not included with minutes.
 - (2) Annexation or Boundary Change Records- Permanent.
 - (3) Applications for Employment- not hired- 2 years; hired-keep with earnings records.
 - (4) Bond ledgers and books- Permanent.
 - (5) Bonds- Municipal- Bonds and Coupons 6 years after cancellation; Cancelled notes – 6 years.
 - (6) Bonds – Performance and Security – 6 years after expiration date or completion of contract.
 - (7) Building Permits and Applications – For places of public assembly – retain until structure is demolished: All others – 5 years after completion of project.
 - (8) Charters, Name Change Records, Incorporation Certificates –Permanent.
 - (9) Contracts – 7 years after completion of successful bids, proposals, contracts and agreements: 12 years on construction contracts.

- (10) Correspondence of a Routine Nature – 3 years. Correspondence relating to specific records should be maintained with the specific records.
- (11) Deeds, Easements and related land records – Permanent.
- (12) Disaster Plans – retain until superseded or obsolete.
- (13) Ethics Statements – 5 years.
- (14) Grant Administration Records – Comply with agency requirements.
- (15) Hazardous Substance Survey Forms – 30 years.
- (16) Insurance Policies and Claims – 6 years after expiration or settlement date.
- (17) Litigation Case Files – Retain closed cases as long as of administrative and legal value. Retain cases of preferential value permanently.
- (18) Material Safety Data Sheets – 30 years.
- (19) Minute Books – Permanent.
- (20) Oaths of Office and Loyalty Oaths – 6 years or 2 years after term expires or employment ends.
- (21) Ordinance Books – Permanent.
- (22) Public Hearings – Notices, Proofs of Publication, Transcripts – 10 years.
- (23) Reports – Annual Authority Reports – Permanent.
- (24) Quarterly, monthly, other routine activity reports – retain as long as of administrative value.
- (25) Resolutions – Permanent.
- (26) Solicitor Opinions – Permanent.
- (27) Subdivision and Land Development Plans – Permanent.

B. Employee and Payroll Records:

- (1) Earnings Records for Permanent Employees – Destroy after former employee’s 75th birthday.
- (2) Earnings Records for Temporary Employees – 5 years after termination.
- (3) Employee Time Cards – 3 years.
- (4) General Pay Records – 4 years.
- (5) Health Insurance Claim Files – 4 years.
- (6) Individual Employee’s Pension Files – 50 years after termination of employment, or 3 years after all benefits have been paid.
- (7) Monthly/Quarterly Returns of Federal, State, Local or Unemployment Compensation – 4 years.
- (8) Pension Plan Data Sheets – 10 years.
- (9) Pension Plans – 4 years.
- (10) W-2 Forms – 4 years.
- (11) W-4 Forms – until replaced by new W-4 or 4 years after termination.
- (12) Workers Compensation Records – 4 years after signing of final settlement receipt, or 4 years after death of recipient.

C. Financial Records:

- (1) Annual Audit and Financial Report – Permanent.
- (2) Annual Budget – 5 years.
- (3) Bank Statements and Deposit Slips – 3 years.
- (4) Canceled Checks – 7 years.
- (5) General Ledgers and Journals – 7 years.
- (6) Investment Records – 6 years after cancellation.

- (7) Invoices, Bills, Vouchers, and Warrants – 7 years.
 - (8) Purchase Orders – 7 years.
 - (9) Surplus Property Sale Files – 3 years after sale.
- D. Streets, Bridges, Storm Sewers and Sidewalks:
- (1) Deeds of Dedication – Permanent.
 - (2) Engineering and Survey Notes – Permanent.
 - (3) Equipment Records – life of equipment plus 2 years.
 - (4) Rights-of Ways and Easements – Permanent.
 - (5) State Permits and Approvals – Permanent.
 - (6) Storm Water Records – Permanent.
 - (7) Underground Conduit Records – Permanent.
- E. Waste Management and Sewage Disposal:
- (1) Act 537 Plans – retain until superseded.
 - (2) Lien Dockets – 7 years after settlement.
 - (3) On-Lot Sewage System Records – retain until replaced or connected to public sewage.
 - (4) Planning Modules for Sub-Divisions – 5 years after last lot developed.
 - (5) Recycling Program Records – 5 years.
 - (6) Sewer Assessment Notifications – 3 years after all payments received.
 - (7) SEO Certifications Records – until expired.
 - (8) Sewer Right-of-Ways and Easements – Permanent.


SECTION 7
EFFECTIVE DATE


This Policy shall be effective five (5) days after the date of adoption.

Enacted and adopted this 20th day of JANUARY, 2009 by the
Cumberland County Recycling & Waste Authority.

ATTEST:

CUMBERLAND COUNTY
RECYCLING & WASTE AUTHORITY


Secretary


Chairman

FEE ADDENDUM

Fees are to be paid at the time the records are delivered unless prepayment is required.

Record Type	Fee
<p>Copies: <i>(A “photocopy” is either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5” x 11” page)</i></p>	<p>\$.25 per page</p>
<p>Certification of a Record:</p>	<p>\$1.00 per record, fee does not include notarization fees.</p>
<p>Specialized documents : For example, but not limited to, blue prints, color copies, non-standard sized documents</p>	<p>Actual Cost</p>
<p>Floppy Disk:</p>	<p>\$1.00</p>
<p>CD:</p>	<p>\$5.00</p>
<p>DVD:</p>	<p>\$25.00</p>
<p>Tax Maps:</p>	<p>\$7.00</p>
<p>11 X 17</p>	<p>\$10.00</p>
<p>13 X 19</p>	<p></p>
<p>Conversion to Paper:</p>	<p>If a record is only maintained electronically or in other non-paper media, duplication fees shall be 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.</p>
<p>Facsimile/Microfiche:</p>	<p>Actual Cost</p>
<p>Statutory Fees: Should a separate statute authorize the Authority to charge a set amount for a certain type of record, the Authority may charge no more than that statutory amount</p>	