

**County of Berks**  
**Right to Know Policy and Procedure**  
**January 1, 2009**  
**Revised May 21, 2021**

**I. PURPOSE**

**1. General Purposes**

A. The general purpose of this policy is:

(i) to recognize the value of open government by making information available to the public, memorializing the County's commitment to continually improve access to public information and fostering public participation in the decision-making process;

(ii) to provide for access to public records in the possession of the County consistent with the Right-to-Know Law, 65 P.S. §§ 67.101-3104, which creates a presumption of openness regarding the records of the County;

(iii) to appoint a County Open Records Officer who will oversee the implementation of the County Right-to-Know Policy;

(iv) to provide a written framework outlining the procedures and policies necessary to provide for access to records as contemplated under the Right-to-Know Law; and

(v) to provide for prompt and timely responses to requests for records made under the Right-to-Know Law.

**II. ESTABLISHMENT OF COUNTY OPEN RECORDS OFFICER**

**1. Appointment of Open Records Officer**

A. All requests for public records shall be administered by the applicable Open Records Officer. The County Open Records Officer will ensure that the procedures described herein are followed.

B. The County Open Records Officer shall serve as the Open Records Officer for all County agencies, except as listed below. Requests should be directed to the County Open Records Officer at the following address:

Title: County Open Records Officer  
Address: 13<sup>th</sup> Floor Services Center  
633 Court Street

Reading, PA 19601  
Phone: 610-478-6136  
Fax: 610-478-6293  
Email: [Countyopenrecordsofficer@countyofberks.com](mailto:Countyopenrecordsofficer@countyofberks.com)

C. Pennsylvania's Right-to-Know Law distinguishes between Commonwealth, local agency, legislative and judicial records. Judicial records include the records of Court Administration, Adult Probation, Juvenile Probation, Court Reporters, Domestic Relations, Magisterial District Justice Offices and the Law Library. Requests for these records fall outside this policy and should be directed to:

Title: Court Open Records Officer  
Address: District Court Administration  
7<sup>th</sup> Floor Courthouse  
633 Court Street CH  
Reading, PA 19601  
Phone: 610-478-6208  
Fax: 610-478-6366  
Email: [Courtopenrecordsofficer@countyofberks.com](mailto:Courtopenrecordsofficer@countyofberks.com)

D. Requests seeking records from the Prothonotary's Office must be sent to the Open Records Officer for the Prothonotary's Office. Requests for these records fall outside this policy and should be directed to:

Title: Prothonotary Open Records Officer  
Address: Berks County Prothonotary  
Berks County Courthouse  
633 Court Street, 2<sup>nd</sup> Floor  
Reading, PA 19601  
Phone: 610-478-6970  
Email: [jdelcollo@countyofberks.com](mailto:jdelcollo@countyofberks.com)

E. Requests seeking records from the Recorder of Deeds Office must be sent to the Open Records Officer for the Recorder of Deeds Office. Requests for these records fall outside this policy and should be directed to:

Title: Recorder of Deeds Open Records Officer  
Address: Berks County Recorder of Deeds Office  
Berks County Service Center  
633 Court Street, 3<sup>rd</sup> Floor  
Reading, PA 19601  
Phone: 610-478-3380  
Fax: 610-478-3359  
Email: [recorder@countyofberks.com](mailto:recorder@countyofberks.com)

F. Requests seeking records from the Register of Wills must be sent to the Open Records Officer for the Register of Wills. Requests for these records fall outside this policy and should be directed to:

Title: Register of Wills Open Records Officer  
Address: Berks County Register of Wills  
Berks County Service Center  
633 Court Street, 2<sup>nd</sup> Floor  
Reading, PA 19601  
Phone: 610-478-6600  
Email: [rwills@countyofberks.com](mailto:rwills@countyofberks.com)

G. Requests seeking records from the Berks County District Attorney's Office must be sent to the Open Records Officer for the Berks County District Attorney's Office. Requests for these records fall outside this policy and should be directed to:

Title: Berks County District Attorney's Office Open Records Officer  
Address: Berks County District Attorney's Office  
5<sup>th</sup> Floor Services Center  
633 Court Street  
Reading, PA 19601  
Fax: 610-478-6002  
Email: [da@countyofberks.com](mailto:da@countyofberks.com)

H. Requests seeking records from the Berks County Sheriff's Office must be sent to the Open Records Officer for the Berks County Sheriff's Office. Requests for these records fall outside this policy and should be directed to:

Title: Sheriff's Office Open Records Officer  
Address: 3<sup>rd</sup> Floor Courthouse  
633 Court Street  
Reading, PA 19601  
Fax: 610-478-6222  
Email: [rtkrequests@countyofberks.com](mailto:rtkrequests@countyofberks.com)

I. Requests seeking records from the Berks County Office of the Coroner must be sent to the Open Records Officer for the Berks County Office of the Coroner. Requests for these records fall outside this policy and should be directed to:

Title: Office of the Coroner Open Records Officer  
Address: Office of the Coroner  
1047 MacArthur Road, Suite 200  
Reading, PA 19605  
Fax: 610-478-3289  
Email: [coroner@countyofberks.com](mailto:coroner@countyofberks.com)

J. Requests seeking records from the Berks County Clerk of Courts Office must be sent to the Open Records Officer for the Berks County Clerk of Courts Office. Requests for these records fall outside this policy and should be directed to:

Title: Berks County Clerk of Courts Open Records Officer  
Address: 4<sup>th</sup> Floor Courthouse  
633 Court Street  
Reading, PA 19601  
Fax: 610-478-6570  
Email: [vmarmo@countyofberks.com](mailto:vmarmo@countyofberks.com)

### **III. PROCEDURE FOR REQUESTING PUBLIC RECORDS**

#### **1. Form and Nature of Requests**

A. The County will only fulfill written requests (including email or fax) for access to records made pursuant to the Right-to-Know Law under this policy. The County, in its discretion, may choose to fulfill informal requests, verbal requests and requests that are not addressed to the County Open Records Officer outside the Right-to-Know Law. The County will not fulfill anonymous requests. If the Requester wishes to pursue the relief and remedies provided for under the Right-to-Know Law (i.e., pursue an appeal of a denial) the request must be in writing and be addressed to the County Open Records Officer as more fully set forth below.

B. Requests must describe the records sought with sufficient specificity to enable the County to ascertain which records are being requested. All Right-to-Know Law requests must be submitted on the uniform request form created by the Pennsylvania Office of Open Records, available at

<https://www.co.berks.pa.us/Dept/Commissioners/Pages/CountyOpenRecordsOffice.aspx>.

Requesters must fully complete **all** fields of the uniform request form in order to be processed, including a physical street address or a post office box address. The County Open Records Officer may instruct the Requester to resubmit a completed form or decline to further process a request because of a Requester's failure to submit a complete form as required by this policy.

C. A request will only be considered to have been "addressed" to the County Open Records Officer if the request either 1) is made on the uniform request form created by the Pennsylvania Office of Open Records; 2) is sent to the mailing address or e-mail address of the County Open Records Officer ([Countyopenrecordsofficer@countyofberks.com](mailto:Countyopenrecordsofficer@countyofberks.com)); 3) contains the words "Right-to-Know," "RTKL," "open records," "FOIA," or "freedom of information;" or 4) contains a statutory citation to any provision within the Right-to-Know Law.

D. All Right-to-Know Law requests that are addressed to the County Open Records Officer but received by another County employee must be forwarded to the County Open Records Officer.

E. The County Open Records Officer shall forward all requests received by the County Open Records Officer that seek records of the judiciary, the Prothonotary's Office, the Recorder of Deeds, the Register of Wills, the Berks County District Attorney's Office, the Berks County Sheriff's Office, the Office of the Coroner or the Berks County Clerk of Courts Office to the respective Open Records Officer for those entities.

F. If a request states that both inspection and duplication of a single set of records is sought, the County, in its discretion, may choose to provide access to public records by either allowing the requester to inspect records or by producing copies of records.

#### **IV. OPERATING PROCEDURES FOR RESPONSES TO REQUESTS**

##### **1. Duties of County Open Records Officer**

A. The County Open Records Officer shall:

(i) within five (5) business days of the County Open Records Officer's receipt of a written request, note the date the request was received, record the request in a spreadsheet, compute the day that the five-business day response period expires and make a notation of that date on the request;

(ii) forward misdirected requests to the appropriate entity that may possess records, if known;

(iii) prepare, review, sign, issue and log an extension notice, if necessary;

(iv) initiate a thorough search or inquiry for the records requested and determine whether they are public records as provided under the Right-to-Know Law;

(v) notify contractors or other third parties of the request, if necessary;

(vi) prepare, review, sign, issue and log a written response; and

(vi) notify legal counsel of the request, if necessary.

B. Retain requests, information submitted with requests, related communications and the County's response for two years in accordance with the County Records Manual.

##### **2. Grant of Request for Records**

A. If the County Open Records Officer determines that some or all of the requested records are available, the written response shall grant access to records upon the payment of applicable fees, if any, and state the applicable reason(s), if any, for denying access to responsive records or parts of responsive records.

B. When granting access to records, the County Open Records Officer may issue:

(i) a response that includes a copy of the requested record. The County may provide records on paper, electronically through email or by other means;

(ii) a response notifying the Requester that the records are available through publicly accessible electronic means such as a website;

(iii) a response that grants access to records upon the payment of the applicable fees;

(iv) a response seeking to schedule a time for a requester to inspect records; or

(v) a response indicating that all or a portion of requested records will be available upon prepayment if the cost exceeds \$100.00 of applicable fees, including duplication and postage costs.

C. If a requester fails to retrieve the requested records within sixty (60) days of the County's response, the County may dispose of any copies that have not been retrieved by the requester and retain any fees paid to date. A requester will be considered to owe all applicable fees for records produced in response to a request, regardless of whether a requester actually retrieves the records prior to their disposal.

### **3. Denial of Request for Public Records**

A. If the County Open Records Officer determines that a request for records should be denied, in whole or in part, the denial shall be issued in writing. The denial letter shall include:

(i) a description of the record requested;

(ii) the specific reasons for the denial, including a citation of supporting legal authority;

(iii) contact information for County Open Records Officer, along with a signature or email signature;

(iv) the date of the response; and

(v) the procedure to appeal the denial.

B. If an outstanding fee for records requested under the Right-to-Know Law is owed to the judiciary, the Prothonotary's Office, the Recorder of Deeds, the Register of Wills, the Berks County District Attorney's Office, the Berks County Sheriff's Office or the Office of the Coroner, the County Open Records Officer may deny access to Right-to-Know Law requests until the outstanding balance is paid to the appropriate agency.

C. In the event that the County declares a disaster under the provisions of 35 Pa.C.S. § 7501, the County Open Records Officer may temporarily delay or deny access to records in

accordance with 65 P.S. § 67.506(b).

#### 4. Fees

A. The County shall follow as closely as possible the fee schedule adopted by the Pennsylvania Office of Open Records, unless contrary to statutory law. Notwithstanding this fee schedule, the following fees shall be applicable to requests for access to public records made pursuant to the Right-to-Know Law:

- (i) standard size, black and white photocopying fees – \$0.25 per page (first 1,000/\$0.20 beyond 1,000);
- (ii) double-sided, standard size, black and white photocopying fees - \$0.25 per side/\$0.50 per paper first 1,000 sides - \$0.20 per side/\$0.40 per paper beyond 1,000;
- (iii) standard size color photocopying fees – \$0.50 per page;
- (iv) certification of a public record – \$5.00 per record certified;
- (v) facsimile/microfiche/other media – actual cost established by the County;
- (vi) CDs / DVDs – \$1.00 per disc;
- (vi) specialized documents (for example, blueprints, color copies, non-standard sized documents) – actual cost established by the County;
- (viii) conversion to paper – 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;
- (ix) postage fees – actual cost of first-class postage. Where a requester asks that a response be mailed through certified mail, Priority Mail or other means, the County will assess the actual cost of such mailing;
- (x) exempt record fee – if the County exercises its discretion to release a record exempt under the Right-to-Know Law, the County may assess a fee of one dollar (\$1.00) per page; and
- (ix) necessarily-incurred fees – actual cost.

B. The above list is not exhaustive. Additional fees may apply for specialized printing or copying or for specific types of records.

C. The County, in its sole discretion, may choose to waive the fees for duplication of public records if the County determines that it is in the public interest to do so or if a requester has duplicated the record through using his or her own equipment.

D. If a request is made outside of the Right-to-Know Law, the County may assess fees outside of this policy.

E. All fees are required to be paid at the time the request is granted.

## V. APPEALS

### 1. **Appealing the County's Response**

A. The Right-to-Know Law provides an appeal process through the Pennsylvania Office of Open Records and/or the Office of the District Attorney of Berks County.

B. Except in the case of criminal investigative records, if a Requester wishes to dispute the denial of a request, the Requester must notify the Pennsylvania Office of Open Records in writing of his/her desire to appeal the decision. The requester's appeal must include true and correct copies of the requester's request and the County's response, in its entirety. The requester's appeal must state the grounds upon which the requester asserts that the record is a public record and must address any grounds stated by the County for delaying or denying the request. The appeal shall be sent to the following address:

Commonwealth of Pennsylvania  
Office of Open Records  
333 Market Street, 16th Floor  
Harrisburg, PA 17101-2234  
[openrecords@pa.gov](mailto:openrecords@pa.gov)

C. Denials of requests for criminal investigative records in possession of the County must be directed to the Appeals Officer with the Office of the District Attorney of Berks County. The Appeals Officer is designated by the District Attorney and shall determine if the record requested is a criminal investigative record. The Requester's appeal must state the grounds upon which the Requester asserts that the record is a public record and must address any grounds stated by the County for delaying or denying the request.