

**“RIGHT TO KNOW LAW”
ACT 3 OF 2008**

POLICY AND PROCEDURE

**BERKS COUNTY COURT OF COMMON PLEAS
23RD JUDICIAL DISTRICT OF PENNSYLVANIA**

A. General

Pennsylvania’s Right To Know Law, Act 3 of 2008, effective January 1, 2009, establishes certain Requirements and Prohibitions governing information that Commonwealth agencies shall provide to the public upon request. Chapter 3, Section 304 (a), of Act 3 requires that “a judicial agency **shall provide financial records** in accordance with this act”. Judicial Agencies, which include the Court of Common Pleas, court-appointed departments and court-appointed personnel, are only required to provide financial records information to the public under Pennsylvania’s Right To Know Law. Chapter 3, Section 304 (b), of Act 3 also provides that “a judicial agency may not deny a requester access to a financial record due to the intended use of the financial record by the requester”.

The Pennsylvania Supreme Court issued Pa. Rule of Judicial Administration No. 509 on June 23, 2008 requiring that information on purchase order and contracts of judicial agencies valued at \$5,000.00 or more (under Section (e) of Rule No. 509) be made available to the public on the Unified Judicial System’s website (www.courts.state.pa.us). Web postings include purchase orders and contracts made on and after July 1, 2008. Requests involving any other financial records of a local judicial district shall be made in writing (see below – Requests for Public Records) to that judicial district.

B. Policy

This policy establishes the policies and procedures for the Berks County Court of Common Pleas/23rd Judicial District of Pennsylvania and all of the court-appointed departments and personnel within the 23rd Judicial District, under Pennsylvania’s Right To Know Law and the Supreme Court of Pennsylvania’s Rule of Judicial Administration No. 509. This policy applies to all requests from the public relating to the “courts”, court-appointed departments, and court-appointed personnel. This document establishes the framework which the 23rd Judicial District of Pennsylvania/Berks County Court of Common Pleas will utilize in its’ administrative discretion of the Right To Know Act (Act 3 of 2008) and Pa. Rule of Judicial Administration No. 509.

The 23rd Judicial District of Pennsylvania/Berks County Court of Common Pleas recognizes the importance of complying with the Right To Know Act under the guidelines established by the Pennsylvania Supreme Court under Pa. Rule of Judicial Administration No. 509. The 23rd Judicial District of Pa./Berks County Court of Common Pleas also acknowledges that local policy and procedure regarding the Right To Know Law may be amended or changed based on new legislation and or Pennsylvania Supreme Court rulings. The President Judge of the 23rd Judicial District may change existing policy and procedure as needed and without notice.

C. Open Records Officer

The Supreme Court of Pennsylvania's Rule of Judicial Administration No. 509, Section (c), establishes that "a request to inspect or obtain copies of records accessible pursuant to this rule and in possession or control of a court of a judicial district shall be made in writing to the records manager, as designated by the president judge".

The President Judge of the 23rd Judicial District of Pennsylvania/Berks County Court of Common Pleas has designated the following individual (see below) as the Court Open Records Officer (records manager). All requests for public records are administered by the Court Open Records Officer. Requests shall be directed to the Court Open Records Officer at the following address:

Stephen A. Weber
Court Open Records Officer
Office of Court Administration
Berks County Courthouse – 7th floor
633 Court Street
Reading, Pa. 19601

Email – courtopenrecordsofficer@countyofberks.com

D. Requests for Public Records

All Right To Know Law requests for information relating to a judicial agency must be received by the court's Open Records Officer. Per Pa. Rule of Judicial Administration No. 509, Section (c), "a written request may be submitted in person, by mail, by e-mail, by facsimile, or, to the extent provided, any other electronic means..." on a **Rule 509 Court Records Request Form** (see attached).

The Court Open Records Officer shall not be required to create financial records which do not currently exist or to compile, maintain, format or organize such records in a manner in which the records are not currently compiled, maintained,

formatter or organized (Pa. Rule of Judicial Administration No. 509, Section (c)(3)).

E. Operating Procedures for Responses to Requests

Upon receipt of a written request for access to a record, the “court” designated Open Records Officer will make a good faith effort to determine if the record requested is a public record and shall respond within ten (10) business days from the date that the written request has been received by the Open Records Officer.

Records requested must describe the records sought with sufficient specificity to enable the Open Records Officer to determine what information is being requested.

Within ten (10) business days upon receipt of a written request, the court Open Records Officer shall:

- (i.) date stamp the request, record the request in a logbook, compute the ten (10) business day response period and make a note of that date on the request;
- (ii.) initiate a thorough search for the records requested and determine whether they are public information under the Right To Know Law and Pa. Rule of Judicial Administration No. 509;
- (iii.) prepare, review, sign, mail and log a written response.
- (iv.) prepare a written response to the requestor that shall include information directing the requestor to the appropriate department/personnel to retrieve and or review requested information.

If a record(s) request **cannot be fulfilled** within ten (10) business days the court Open Records Officer will send written notice to the requestor stating the reason(s) why additional time is needed, when the request can be expected to be fulfilled, and any fees that may be required. Additional time necessary to fulfill any response shall not exceed 30 calendar days.

If a record(s) request is **not in the possession** of the “court” or a court-appointed department, the court Open Records Officer will notify the requestor in writing (within 10 business days upon receipt of a request) that they do not possess the record requested and where possible, direct the request to the appropriate person in another agency.

If a record(s) requested is **not public information** under Act 3 of 2008, Chapter 3, Section 304, the court Open Records Officer shall notify the requestor of said in writing (within 10 business days upon receipt of a request). A letter to the requestor indicating the denial of any request shall include a description of the record requested, the specific reason for the denial, including a citation of

supporting legal authority, the date of the response and the procedure to appeal the denial.

F. Fees

The following fees shall be applicable to requests for access to judicial records:

- (i.) copies – 11 pages or more, \$0.15 per page;
- (ii.) certification of a document - \$1.00 per page;
- (iii.) specialized document – actual cost;
- (iv.) facsimile/microfiche/other media – actual cost;
- (v.) redaction fees – a fee of \$7.00 per 15 minutes;
- (vi.) conversion from electronic to paper – duplication on paper fee 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;
- (vii.) CD – actual cost;
- (viii.) postal fees – actual;
- (ix.) enhanced electronic access – any enhanced electronic access that may be available in the future may have a user fee attached. Any future user fees for enhanced electronic access will be established by the Berks County Court of Common Pleas after approval by the Office of Open Records, 400 North Street, Harrisburg, Pa. 17120;
- (x.) no other fees may be charged by court/judicial agencies unless the agency necessarily incurs costs for complying with the request, and such fees must be reasonable and approved by the President Judge. No fee may be imposed for the review of a record to determine whether the record is a public record;
- (xi.) **prepayment** - prior to granting a request for access, a court/judicial agency shall require a requester to prepay an estimate of the fees if the fees are expected to exceed \$100.00. The fee (if in excess of \$100.00) shall be collected before releasing said information. The fee shall be made payable to the “Office of Court Administration” and paid (via mail or in person) at the Office of Court Administration, Berks County Courthouse – 7th floor, 633 Court Street, Reading, Pa. 19601.

G. Appeal of a Denial of a Request for Information of a Judicial Agency

Per Pa. Rule of Judicial Administration No. 509, if the Open Records Officer of the court denies a written request for information, the denial may be appealed in writing within 15 business days of the mailing date of the written response by the Open Records Officer to the President Judge or his/her designee. Within 20 business days of the receipt of the appeal, the President Judge or his/her designee shall make a determination and forward it in writing to the requester and to the

Open Records Officer. Appeals shall be sent in writing to: Office of Court Administration, Berks County Courthouse, 633 Court Street, Reading, Pa. 19601.

Any further appeal, after an appeal to the President Judge of the Court of Common Pleas/23rd Judicial District of Pennsylvania, shall be subject to Chapter 15, Judicial Review of Governmental Determinations, of the Pennsylvania Rules of Appellate Procedure.

RULE NO. 509 – COURT RECORDS REQUEST FORM

23RD JUDICIAL DISTRICT OF PENNSYLVANIA
BERKS COUNTY COURT OF COMMON PLEAS

Name of Requester _____
Last First Middle

Signature _____ Date _____

Mailing Address _____
Street/PO Box
City State Zip Code

Telephone _____ Fax Number _____

Email Address _____

Please identify each of the documents that are requested. It is important that your request be as specific as possible so that we may determine whether we have these documents.

Please submit this form to: Court Open Records Officer, Office of Court Administration, Berks County Courthouse – 7th floor, 633 Court Street, Reading, Pa. 19601. Form can also be submitted via email to courtopenrecordsofficer@countyofberks.com or fax to 610-478-6366.

Note: Information related to standard fees and court Open Records policy may be found on the County of Berks website at www.countyofberks.com. Proceed to **“new” Open Records Policy**, then click onto **Court Open Records Officer**. Pre-payment of fees will be required if expected compliance costs exceed \$100.00.

Official Use Only	CHARGE	Comments
Date Received		
Tracking Number	Total Cost	