

## **FREQUENTLY ASKED QUESTIONS**

### **What is a public record?**

The Right to Know Law defines “public record” as a record, including a financial record, of a Commonwealth or local agency that: (1) is not specifically exempt by the Right-to-Know Law; (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.

### **Do I have to be a citizen of this state to submit a Right to Know request for a public record?**

No. The Right to Know Law provides that a legal resident of the United States has the right to inspect and copy public records.

### **How can I request information from the City of Allentown?**

You can make a request four ways: mail, fax, e-mail or in person.

By mail:           City of Allentown  
                      Office of the City Solicitor  
                      435 W. Hamilton Street, Room 519  
                      Allentown PA 18101

By fax:            610.437.8701

By email:         [Right-to-Know@allentownpa.gov](mailto:Right-to-Know@allentownpa.gov)

In Person:        Receptionist Desk at City Hall  
                      435 W. Hamilton Street, 1<sup>st</sup> Floor  
                      Allentown PA 18101

### **What should I say in my request?**

In order for the City of Allentown to promptly respond to your request, you should be as specific as possible when describing the records you are seeking. If a particular document is required, it should be identified precisely—preferably by author, date and title. However, a request does not have to be that specific. If you cannot identify a specific record, you should clearly explain the type of records you are seeking, from what timeframe and what subject the records should contain. For example, assume you want to obtain a list of all violations for a business near your home. A request to the City of Allentown listing “all violations” is very broad and would likely produce volumes of records. The fees for such a request would be very high; the City would likely find your request too vague and ask that you make it more specific. You might instead consider requesting any record that identifies “all fire, code and building violations for the

property located at 123 ABC Street.” It is more likely that a record exists which contains this information.

**Is there a form I can use to obtain records?**

Yes, a standard Right to Know Records request form is available on the City of Allentown’s Web site at [www.allentownpa.gov](http://www.allentownpa.gov) and also at the receptionist desk on the 1<sup>st</sup> floor in City Hall.

**Can the City of Allentown ask why a person wants to obtain the information?**

No. The law prohibits the City of Allentown from requiring a person “to disclose the purpose or motive in requesting access to records.”

**Can a request be denied because the requester is not a citizen of Pennsylvania?**

No. Any legal resident of the United States can request a record, including a person with a green card.

**Does the City of Allentown have to acknowledge receipt of my request?**

Yes. The City of Allentown acknowledges receipt of all requests within 5 business days.

**Does the City of Allentown have to produce records within 5 days of my request?**

No. The records that are responsive to a request must be made available “within a reasonable period of time” after the request was made. The City of Allentown will respond to a request within 5 business days either by (1) providing an answer to the request supplying the documents; or (2) advising the requestor in writing that an additional 30 business days is required to fulfill the request for documents.

**Do I have to go to the City of Allentown to inspect the records or can I ask the Right to Know Designee to mail me the records?**

The Right to Know Law only requires the City of Allentown to make the records available to you for inspection and copying, it does not require the City of Allentown to mail records. However, depending on the volume of records produced in response to your request, the City of Allentown may be willing to mail copies to you. The City of Allentown will charge a reasonable fee to cover the cost of making the copies for you.

**Can the City of Allentown charge me for copying records?**

Yes. The Fees for duplication of public records shall be as follows:

- A. Photocopying fees: \$0.25 per page

- B. Certification of a public record: (Exclusive of notary fees) - \$1.00 per record, not per page
- C. Specialized Documents: (For example, but not limited to, blueprints, color copies, non-standardized sized documents) – Actual cost
- D. Facsimile/Microfiche/Other Media: Actual cost
- E. 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 person making the request specifically requests for the record to be duplicated in the more expensive media.
- F. Postage Fees: Actual cost

**When the City of Allentown receives a Right-to-Know request, what must the City of Allentown do to be in compliance with the law?**

The law requires the open-records officer to do the following:

- Stamp the date of receipt on the written request.
- Compute the day on which the five-day period will expire and make a notation of that date on the written request.
- Maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been fulfilled.
- If the request is denied, the written request shall be maintained for 30 days
- If an appeal is filed keep the records until a final determination is issued or the appeal is deemed denied.
- Create a file and keep all of the following:
  - The original request.
  - A copy of the response
  - A record of written communications with the requester

**Can the City of Allentown limit the number of requests that a citizen can make?**

No. The law states that the City of Allentown cannot limit “the number of records which may be requested or made available for inspection or duplication.” However, citizens should use good judgment in seeking records from the public body and not use this law to harass or overburden a public body from performing its job. Also, a public body can deny repeated requests for the same records by the same requester.

**When may the City of Allentown refuse to release the records I request?**

The Right to Know Law provides that certain categories of documents are not public records. Included among these are records that have been designated confidential by statute, documents subject to a recognized legal privilege such as the attorney-client privilege or the work-product privilege, records describing security plans or procedures designed to prevent acts of terrorism, medical records, juvenile records, and the personal contact information of public employees contained within records.

### **Are emails public record?**

Yes. That does not mean there is wholesale release of e-mail records. It means that an email, like any other record, goes through the same analysis to determine whether it is a public record.

### **Are itemized cell phone bills public record?**

Yes. The Supreme Court recently upheld that itemized bills for cellular telephones paid by an agency are financial records that show a disbursement of public funds, despite the reimbursement for personal calls paid by the publics. The Court upheld that private telephone numbers (a type of personal identifier) must be redacted from the records before they can be disclosed.

### **What are some examples of public records?**

- 911 time response logs
- Grant Applications
- Contracts
- Agreements
- Agency decisions
- Name, title, Salary of public employees and officials

### **What are some types of information that will NOT be available?**

- Social Security numbers
- Drivers license numbers
- Employee numbers
- Home, cellular or personal phone numbers
- Personal financial information
- Spouse's name, marital status, beneficiary or dependent information
- Home addresses of law enforcement and judges
- Identity of confidential informants.
- Records that identify social service recipients, including welfare recipients
- A minor's name, home address, date of birth.
- Library circulation cards
- Pre-decisional deliberations

### **Does the law cover records created before January 1, 2009?**

Yes. All records in the possession of the City of Allentown are covered even if they are decades old.

### **What happens if a public record holds some information that is open to the public and some information that falls within an exception to the Right to Know Law?**

Some public records contain a mixture of information that is public and information that is confidential or otherwise not subject to public inspection under the Right to Know Law. If the record you requested contains any confidential or excepted information, the custodian will decide if the confidential or excepted information can be adequately redacted or blacked out so that public access can be provided or if public access to the document should be denied.

**Can I ask that public reports or other documents be created, summarized or put in a particular format for me?**

No. The City of Allentown is not required to prepare reports, summaries, or compilations not in existence on the date of your request.

Similarly, the City of Allentown is not required to produce a record in an alternate format if the record can be made available for public inspection and copying in the format in which it exists. If the record requires translation in order for it to be made available for public inspection and copying, the City of Allentown must translate the record but can charge you a fee to cover the actual cost of translation.

**I asked a public official a question about a record, but he/she didn't answer. Is he/she required to answer my question?**

No. A public officer or agency is not required under the Right to Know Law to explain or answer questions about public records. The Law only requires officials and agencies to make public records available for inspection and copying.

**Does the City of Allentown have to explain why it denies access to a public record?**

Yes. When the City of Allentown denies access to a public record, it must provide the reason for its denial in writing within 5 working days of the date of the Right to Know Law request or within the 30 day extension period.

**What can I do if I believe the City of Allentown has unlawfully withheld a public record?**

If you are unsatisfied with an agency's decision to withhold access to certain records, you are entitled to appeal. For appeals regarding any criminal aspects of a request, an appeal must be made in writing to James B. Martin, Esquire, Lehigh County District Attorney, Lehigh County Courthouse, District Attorney's Office, 455 West Hamilton Street, Allentown, Pennsylvania 18101 within 15 business days of the mailing date of this letter.

For appeals regarding any civil aspects of a request, an appeal must be in writing to Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4<sup>th</sup> Floor, Harrisburg, PA 17120 also within 15 business days of the mailing date of this letter.