

WESTINGHOUSE ARTS ACADEMY CHARTER SCHOOL

POLICY GUIDELINES FOR PUBLIC RECORDS

The Board of Trustees for Westinghouse Arts Academy Charter School ("WAACS") recognizes the importance of access to public records. The public has the right, under law, to inspect and to procure copies of such records with certain exceptions subject to Pennsylvania's Right-to-Know Law.

The Right-to-Know Law specifies that WAACS may not deny any citizen access to a public record, unless WAACS can demonstrate that the record is exempt or protected as described by the specific requirements and prohibitions detailed by the laws of the United States, Commonwealth of Pennsylvania, regulation, or judicial order or decree.

I. **DISCLOSURE**

A. Posting:

WAACS shall post the contact information for WAACS's Open Records Officer, all relevant information about its Right-to-Know Policy and Procedures, and request forms at WAACS and on its website.

B. Record:

A "record" is defined as information, regardless of physical form or characteristics, that documents a WAACS transaction or activity and is created, received or retained pursuant to law or in connection with a WAACS transaction, business or activity. Requested records from the sending School District should be directed to the Right-to-Know Officer for the sending District.

II. **PROCEDURE**

A. Submission of a Request:

A request may be submitted in writing, in person, by mail, by e-mail, or by facsimile. A written request should identify or describe the record sought with sufficient specificity to enable the agency to ascertain which record(s) is being requested and shall include the name and address to which WAACS should respond. A written request need not include any explanation of why the record is requested.

Upon receipt of a written request for access to a record, WAACS shall make a good faith effort to determine if the record requested is a public record and whether it has possession, custody or control of the identified record.

B. Responding to a Request:

WAACS will mail a response fulfilling or denying the request to the requester within five (5) business days from the date of receipt. If an extension of time is required, the requester will be notified within five (5) business days from the date of receipt.

If a request is denied, whether in whole or in part, the denial shall be in writing, and shall include the specific reason why the request was denied and the procedure for appeal. WAACS may deny a requester access to a record if the requester has made repeated requests for that same record, and repeated requests have placed an unreasonable burden on WAACS.

When WAACS produces a record, in response to a request, which is not a public record and not protected by any law, privilege, or judicial order, the Open Records Officer will notify any third party that the provided record and the person who is the subject of the record that this record has been released.

C. Production:

WAACS will respond to requests for information by providing a public record for inspection or duplication in the medium in which it exists, during WAACS's regular business hours. WAACS is not required to create, compile, maintain, format or organize a record in a manner in which it does not already exist when a request for information is received. Further, WAACS is obligated by law to redact any information which is determined not to be public information.

WAACS may also make a public record available through any publicly accessible electronic means. Should a requester ask that an electronic record be converted to printed form within thirty days of WAACS's notice of the availability of a record via electronic means, WAACS has five (5) days from receipt of the request, provided appropriate fees are paid, to mail that record to the requester.

WAACS is not required to permit access to electronic records via its computers.

Records not picked-up within sixty (60) days of the established pick-up date will be disposed of and any funds received will be retained.

D. Fees:

1. **Guidelines:**

The fees established are not with the intent or effect of excluding individuals from access to records or their duplicates or of creating a profit. The fees will be approved by the Open Records Officer.

The Open Records Officer will ensure that WAACS establishes, maintains, and disseminates a current list of reasonable fees.

All applicable fees shall be paid in order to receive access to the record requested. If fees will amount to \$100.00 or more to fulfill the request, the requester will be notified, and those fees must be paid in advance. If fees will amount to less than \$100.00, the requester will be notified of the date when the information will be available for pick up at the office the request was submitted and that those fees must be paid before information will be released. WAACS may waive fees in its own discretion.

WAACS will not charge a fee for the Open Records Officer's review of a record to determine if the requested record is a public record.

III. WAACS DOES NOT POSSESS THE RECORD

A. Third Party:

A requested public record that WAACS does not possess, but is possessed by a third party with whom WAACS has contracted to perform a governmental function and which directly relates to that governmental function, will be considered a public record of WAACS. Such third party will be required by contract to provide said record to WAACS to allow it to respond to the request in a timely fashion. The third party is not required to provide access to any other of its records.

B. Transcripts of Administrative Proceedings:

Prior to an adjudication becoming final, binding, and nonappealable, a transcript of an administrative proceeding will be provided to a requester by the proceeding's stenographer. The requester must directly contact the stenographer and pay the fees assessed by the stenographer. After the adjudication becomes final, binding and nonappealable, a transcript of the administrative proceeding will be provided to a requester and the established duplication fee will be charged.

IV. RECORDS EXEMPT FROM PRODUCTION:

A. Exemptions: The following records are exempt from public access by a requester in accordance with the Right-to-Know Law. Please consult 65 P.S. § 67.708, and any amendments which may follow, for an unabridged listing of all exempt records.

1. **Loss of Funds/Physical Harm/Personal Security:** When the disclosure of a record would result in WAACS's loss of federal or state funds or would reasonably be likely to result in a substantial and demonstrable risk of physical harm to or personal security of an individual.

2. **Computer Systems:** When the disclosure of a record regarding computer hardware, software and networks, including administrative and technical records, would reasonably be likely to jeopardize computer security.

3. **Medical Information or Related Information:** Which would disclose individually identifiable health information.

4. **Personal Identification Information:** Disclosure of the following personal identification information.

a. A record containing all or part of an individual's Social Security number, driver's license, driver's license number, personal financial information, home, cellular or personal telephone numbers, personal e-mail addresses, employee number or other confidential personal identification number.

b. A spouse's name, marital status, beneficiary or dependent information.

5. **WAACS Employee Information:**

- a. A letter of reference or recommendation.
 - b. A performance rating or review.
 - c. The employment application of an individual who is not hired.
 - d. Written criticisms of an employee, grievance material, information relating to discipline, or documents related to discrimination or sexual harassment.
 - e. An academic transcript.
6. **Labor Relations/Negotiations/Arbitration:** Disclosure of a record pertaining to strategy or negotiations relating to labor relations or collective bargaining and related arbitration proceedings.
7. **Predecisional Drafts:** Disclosure of the draft of a bill, resolution, regulation, statement of policy, management directive, ordinance, or amendments, prepared by or for WAACS.
8. **Predecisional Deliberations:** Disclosure of a record that reflects:
- a. The internal or external, predecisional deliberations of WAACS, its Board members, Trustees, employees or officials, and any research, memos or other documents used in the predecisional deliberations.
 - b. The strategy to be used to develop or achieve the successful adoption of a budget, legislative proposal or regulation.
9. **Trade Secret/Confidential Proprietary Information:** Disclosure of a record that constitutes or reveals a trade secret or confidential proprietary information.
10. **Personal Notes/Working Papers:** Disclosure of notes and working papers prepared by or for a WAACS employee, Board member, or Trustee used solely for that person's own personal use.
11. **Donor Identity:** Disclosure of records that would disclose the identity of an individual who lawfully makes a donation to WAACS, including lists of potential donors, donor profile information, or personal identifying information relating to a donor.

12. **Unpublished Academic Works:** Disclosure of unpublished lecture notes, unpublished manuscripts, unpublished articles, creative works in progress or research-related material.

13. **Academic Records:** Disclosure of academic transcripts, examinations, examination questions, scoring keys and answers to examinations.

14. **Criminal Investigations:** Disclosure of a record of WAACS's or an agency's relating to or resulting in a criminal investigation.

15. **Noncriminal Investigations:** Disclosure of a WAACS record relating to a noncriminal investigation, including:

- a. Complaints submitted to WAACS or investigative materials, notes, correspondence and reports;
- b. A record that includes the identity of a confidential source, including individuals subject to the Whistleblower Law;
- c. A record that includes information made confidential by law;
- d. Work papers underlying an audit; and

16. **Draft Minutes:** Disclosure of draft minutes of any School Board meeting until the next regularly scheduled Board meeting, minutes of an executive session, and any record of discussions held in executive session.

17. **Real Estate Appraisals/Feasibility Studies:** Disclosure of the contents of real estate appraisals, engineering or feasibility estimates, environmental reviews, audits or evaluations made for or by WAACS relative to the leasing, acquiring, or disposing of real property or an interest in real property.

This exemption does not apply to the documents listed above once the decision is made to proceed with the lease, acquisition or disposal of real property or an interest in real property, the purchase of public supplies, or a construction project.

18. **Library Records or Materials:** Disclosure of library and archive circulation records, archived library and/or museum materials, or valuable or

rare book collections or documents.

19. **Pre-Contract Award Documents:** Disclosure of a proposal pertaining to WAACS's procurement or disposal of supplies, service or construction prior to the award of the contract or prior to the opening and rejection of all bids; financial information of a bidder or offeror requested in an invitation for bid or request for proposals to demonstrate the bidder's or offeror's economic capability.

20. **Insurance Communications:** Disclosure of a record or information relating to a communication between WAACS and its insurance carrier, administrative service organization or risk management office.

This exemption does not apply to a contract with an insurance carrier, administrative service organization or risk management office, or to financial records relating to the provision of insurance.

21. **Social Services:** Disclosure of a record or information identifying an individual who applies for or receives social services.

22. **Minors:** Disclosure of a record identifying the name, home address or date of birth of a child seventeen (17) years of age or younger.

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RIGHT-TO-KNOW LAW

FEE STRUCTURE 2017-2018

<u>RECORD TYPE</u>	<u>FEE</u>
Copies	\$0.25 for the first 25 pages copies; \$0.10 for each additional copy
Certification of a Records	\$1.00 per record. This fee does not include notarization fees.
Specialized Documents: Including, but not limited to, blue prints, color copies, non-standard sized documents	Actual cost
Facsimile/Microfiche/Other Media	Actual cost
Redaction Fee	No redaction fee imposed. WAACS may charge for copies it must make of the redacted material in order for the requester to view the public record.
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.
Postage Fee	Fees for postage may not exceed the actual cost of mailing.