

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES POLICY FOR RESPONDING TO RIGHT-TO-KNOW LAW REQUESTS

In accordance with Pennsylvania's Right-To-Know Law, 65 P.S. § 67.101 *et seq.*, the Department of Conservation and Natural Resources (DCNR) has established the following policy for responding to requests by the public for records under the Right-to-Know Law (RTKL).

DCNR also accepts informal requests for public records. For this method, please see [DCNR Procedure for Informal Requests for Records](#).

A. Request

For DCNR to process a request for public records pursuant to the RTKL, the request **must**:

- 1) Be in writing;¹
- 2) Be addressed to Teresa Sheely, DCNR Open Records Officer,
- 3) Be transmitted via one of the following methods:

By U.S. mail to:

Teresa Sheely, DCNR Open Records Officer
Department of Conservation and Natural Resources
7th Floor, Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17105-8767

By hand-delivery or overnight mail to:

Teresa Sheely, DCNR Open Records Officer
Department of Conservation and Natural Resources
7th Floor, Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17105-8767

By facsimile to:

Teresa Sheely, DCNR Open Records Officer
Department of Conservation and Natural
Resources (717) 705-2830

By email to:

Teresa Sheely, DCNR Open Records Officer
Department of Conservation and Natural
Resources RA-DCNRRightToKnow@pa.gov

¹ While a request for records may be made verbally to DCNR, it will be handled as an informal request (see [DCNR Procedure for Informal Requests for Records](#)) and will not be entitled to the formal appeal process provided in the Right-To-Know Law.

- 4) Provide a name and address to which the agency should address its response;
- 5) State that the request is being made pursuant to the RTKL;
- 6) Be sufficiently specific to enable DCNR to identify the records being requested;
- 7) State whether requester is a legal resident of the United States.

RTKL requests may be made on the standard form developed by the Office of Open Records available at <http://openrecords.pa.gov>.

The regular business hours of DCNR's RTKL Office are 8:00 a.m. to 4:30 p.m., Monday through Friday. Any RTKL request received by the RTKL Office after the close of regular business hours will be deemed to have been received on the following business day.

B. Response

DCNR is required under the RTKL to respond to a RTKL request within five business days. The five-day period begins on the next business day after the day the request is received. The DCNR Open Records Officer will provide one or more of the following responses to the requester within this five-day period:

- 1) Provision of copies of the requested records;
- 2) Notification that the records are available at the appropriate DCNR office;
- 3) Notification that the records are available through publicly accessible electronic means;
- 4) Notification that applicable fees must be paid prior to receiving access to the records (see Section C below);
- 5) Notification that all or part of the request is denied and the basis for the denial;
- 6) Notification that additional time (not more than 30 additional calendar days, unless the requester agrees to the longer extension) is needed to respond, along with an explanation of the reason for the additional time and, if available, an estimate of anticipated applicable fees.

DCNR will not deny access to a public record based on the fact that a portion of the record is not a public record subject to disclosure. DCNR will redact (block out) the portion that is not a public record and provide the remaining portion.

DCNR will provide a public record in the medium requested, if the record exists in that medium, and in the manner in which the record is currently compiled, maintained, formatted, or organized. If the record exists only in an electronic form, DCNR will print a paper copy if requested.

When providing copies, DCNR may, in its discretion: (1) make the copies itself; (2) allow the requester to bring the necessary equipment to make its own copies, (3) make its duplication

equipment available to a requester but require that the requester operate the equipment, or (4) contract for duplication services and require the requester to pay the applicable rate.

C. Fees

Fee schedule:

- **Photocopies or electronic scans from paper documents:**
1 side of a page that is 11" x 17" or smaller: \$0.25 per side (no charge for first 10 sides)
Maps and other oversize documents: \$3 per side
- **PC diskette/compact disk:** \$1
- **Microfilm/microfiche:** \$.50 per copy
- **Certification of a document:** \$1 per document
- **Postage:**
Materials fitting into standard business envelope and sent 1st class: No charge.
Other materials: Actual cost of postage
- **Other:** In addition to the above fees, DCNR reserves the right, in appropriate cases, to charge reasonable fees for necessarily incurred costs.

Form of payment:

Payment shall be made by check or money order payable to "Commonwealth of Pennsylvania." Cash will not be accepted.

Time of payment:

- Payment will be due prior to providing access to the records.
- When DCNR has processed a request for records and determines that the fee will be less than \$25, DCNR may provide the records without requiring payment in advance.
- If the estimated fee for records exceeds \$100, DCNR may require payment of the estimated fee before processing the request.

D. Appeals

If DCNR denies all or part of a request or fails to respond to a request within the required time frames (see Section B, "Response"), the requestor may file an appeal with the Commonwealth of Pennsylvania's Office of Open Records within 15 business days of the denial or missed deadline for response.

An appeal must state the grounds upon which the requester asserts that the record is public, and should address any reasons stated by DCNR for delaying or denying the request.

The appeal must be sent to:

The Commonwealth Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17120-0225
Phone: 717-346-9903
Email: openrecords@pa.gov

A person other than DCNR or the requester who has a direct interest in a record that is subject to an appeal may request to participate in the appeal. The request must be made within 15 days after the person has actual knowledge of the appeal but no later than the date the Office of Open Records Appeals Officer issues an order. The Appeals Officer has the discretion to either grant or deny the request.

Additional information on the appeals process is available on the Office of Open Records website (<http://openrecords.pa.gov>).