

# City of Philadelphia



Council of the City of Philadelphia  
Office of the Chief Clerk  
Room 402, City Hall  
Philadelphia

(Resolution No. 090030)

## RESOLUTION

Adopting a Right to Know policy and designating an Open Records Officer for the Council of the City of Philadelphia.

WHEREAS, The City of Philadelphia has adopted a Right to Know policy for all agencies of the Executive/Administrative branch, in response to recent amendments to the Commonwealth's "Right to Know Law," 65 P.S. §67.101 *et seq.* Such policy includes the required designation of Open Records Officers with responsibility for receiving, tracking and responding to requests for information under the Right to Know Law; and

WHEREAS, Council wishes by this resolution to adopt that policy as the Right to Know policy for the Council, and to designate an Open Records Officer for Council; now, therefore,

*RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA,*

THAT The Council hereby adopts the City's Right to Know policy (attached as Exhibit "A"), as it may be amended from time to time, as the Right to Know policy for the Council. A copy of this policy shall be posted in the Office of the Chief Clerk, and a link to this policy shall be maintained on the official website for Council.

FURTHER RESOLVED, THAT Anne Kelly King is hereby designated as the Open Records Officer for Council, with all the powers and duties of an Open Records Officer under the Right to Know Law.

## Open Records Policy– City of Philadelphia

Effective January 1, 2009

Last updated on January 8, 2009

The City of Philadelphia has adopted a policy to comply with the Commonwealth's Act 3 of 2008, 65 P.S. §§ 67.101 et seq., commonly known as the "Right to Know Law." With certain exceptions, members of the public have the right to inspect and/or copy such records upon request.

### 1. Definitions

- a. Right to Know Law (or Open Records Law).** Act 3 of 2008, 65 P.S. §§ 67.101 et seq., commonly known as the Right to Know Law ("Law").
- b. Business day.** Monday through Friday during regular business hours, except those days when the offices of the City are closed for all or part of a day:
  - i. due to a federal/state/city holiday;
  - ii. due to natural or other disaster; or
  - iii. due to the request or direction of local, state, or federal law enforcement agencies or officials.
- c. Public Record.** Any document that satisfies the general definition of "public record" set forth in the Law and does not fall within any of the exceptions set forth therein, as the definition and exceptions are amended from time to time and as the definition and exceptions are interpreted by state, federal and/or local courts.
- d. Open Records Officer.** Any official or employee of the City of Philadelphia who is officially assigned responsibility for receiving, tracking and responding to requests for information under the Right to Know Law. The City of Philadelphia may designate a Deputy or Secondary Open Records Officer to act in the absence of an Open Records Officer.
- e. Requester.** A person who requests a record under the Right to Know Law.
- f. State Office of Open Records.** The State Office, under the Department of Economic and Community Development, as explained in §1310 of the Right to Know Law. The Office of Open Records shall be responsible for many duties, which include (but are not limited to): issuing advisory opinions, training agencies and public employees, assigning appeals officers to review decisions and conducting a biannual review of fees allowed under the Law.

2. Open Records Officer

Please see below for the Open Records Officer specific to each department/agency/office/board. Should no Officer be listed, the request should be directed to the Officer for the City of Philadelphia Law Department (Office of the City Solicitor).

The current list of Officers can be found below:

<u>Agency</u>	<u>Officer &amp; Contact Information</u>
Mayor's Office Law Department	Christopher R. DiFusco, Esq 1515 Arch Street, 17 <sup>th</sup> Floor Philadelphia, PA 19102 215-683-5019 215-693-5296 (fax) christopher.difusco@phila.gov
City Council	Anne Kelly King, Chief Accounting Officer City Hall Room 495 Philadelphia, PA 19107 215-686-2079 215-686-1913 (fax) anne.kelly@phila.gov
Managing Director's Office	John Farrell, Assistant Managing Director 1401 JFK Blvd., 14th floor Philadelphia, PA 19102 215-686-9010 215-834-4032 (fax) john.l.farrell@phila.gov
Board of Ethics	Nedda Massar 1441 Sansom Street, 2nd Floor Philadelphia, PA 19102 215-686-9450 215-686-9453 (fax) nedda.massar@phila.gov

Licenses and Inspections  
Office of Housing & Community Development  
Planning Commission  
Historical Commission  
Redevelopment Authority  
Commerce Department

Folasade Olanipekun-Lewis  
1515 Arch Street, 12<sup>th</sup> Floor  
Philadelphia, PA 19102  
Phone: 215-683-2020  
Fax: 215-557-8538  
Email: Folasade.Olanipekun-  
Lewis@phila.gov

Pensions  
Budget Office  
Revenue  
Treasurer  
Administrative Review  
Risk Management

Deborah A. Beatrice  
Office of Finance  
13<sup>th</sup> Floor, MSB, 1401 JFK Blvd.  
Philadelphia, PA 19102  
215-686-6145 (phone)  
215-686-6202 (fax)  
deborah.beatrice@phila.gov

Records

Joan Decker  
Records Department  
Room 156 City Hall  
Philadelphia, PA 19107  
(215) 686-2262  
(215) 686 2273 (fax)  
Joan.decker@phila.gov

Tax Review Board

Paula Weiss, Esq.  
100 South Broad St. Suite 400  
Philadelphia, PA 19110  
215-686-5220  
215-686-5228 (fax)  
Paula.Weiss@Phila.Gov

Police Department

Lieutenant Michael Dwyer  
Philadelphia Police Department  
750 Race Street, Room 203  
Philadelphia, PA 19106  
215-686-3277  
215-686-1183 (fax)  
police.research@phila.gov

Airport

Mark Pesce  
Philadelphia International Airport  
Terminal E - Executive Offices  
Philadelphia, PA 19153  
215-937-6944  
215-937-6497 (fax)  
mark.pesce@phl.org

Fire  
Prisons  
Emergency Managements  
Office of Re-Entry

Thomas C. Elsasser, PE  
Assistant Managing Director  
Office of the Managing Director  
1401 John F. Kennedy Blvd. - 14th Fl  
Philadelphia, PA 19102-1683  
215.686.3643  
215.686.3479 (fax)  
thomas.elsasser@phila.gov

Civil Service Commission

Barbara Britt  
Civil Service Commission  
1640 MSB  
1401 JFK Blvd.  
Philadelphia, PA 19102  
(215) 686-2320  
(215)-686-2374 (fax)

Any agency/office/board/department without  
an Officer currently listed

Christopher R. DiFusco, Esq  
1515 Arch Street, 17<sup>th</sup> Floor  
Philadelphia, PA 19102  
215-683-5019  
215-693-5296 (fax)  
christopher.difusco@phila.gov

Please note that some independently elected officials, including the District Attorney's Office and City Controller's Office, may have their own separate and distinct policies. You should consult their respective websites for information specific to their offices.

### 3. Procedure

The Law requires that the City of Philadelphia act upon each non-anonymous written request when such request is made in person, by mail, by facsimile or by e-mail. The Law does not require that the City of Philadelphia act upon an oral request, and the City of Philadelphia shall refuse to accept oral requests. Furthermore, the Law does not require that the City of Philadelphia act upon an anonymous request, and the City of Philadelphia will refuse to honor an anonymous request.

Pursuant to the Law, the State Office of Open Records has created and published on its website a statewide form which must be accepted by the City of Philadelphia for the filing of a request. (<http://openrecords.state.pa.us/portal/server.pt>)

The Law sets forth various specifications for the contents of a written request. The request must contain, at a minimum, the following information:

- i. name of requester
- ii. address of requester
- iii. records being sought with “sufficient specificity” to allow the City of Philadelphia to ascertain which records are being requested

Under the Law, the City of Philadelphia has a duty to make a good faith effort to determine if the record(s) requested is a public record and to respond as promptly as possible under the circumstances existing at the time of the request; this time shall not exceed five (5) business days from the date the request is received by the agency’s Open Records Officer. The Law provides that either a final or interim response be provided to the requester within five (5) business days from the date of receipt by the agency. If the agency fails to respond within this five (5) day time period, the Open Records Request is deemed denied.

The Law and the City of Philadelphia’s policy contemplates that requesters will receive a response within five (5) business days. The Law, however, does provide the City of Philadelphia with specific reasons that may be invoked to receive a single extension of time which shall not exceed thirty (30) calendar days. If an extension is invoked and no response is provided to the requester within the thirty (30) day time period, the Open Records Request is deemed denied. Additionally, should the City of Philadelphia notify the requester it needs more than the maximum thirty (30) day extension, the request is deemed denied unless the requester has agreed in writing to an extension to the date specified in the notice. If the requester agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice if the agency has not provided a response by that date.

The City of Philadelphia’s final response to a request will do one of the following:

- i. grant the request;
- ii. deny the request;
- iii. grant the request in part and deny the request in part; or
- iv. grant the request and redact part of the information provided pursuant to the Law and/or other applicable federal, state and local law.

#### 4. Appeals of Denied Requests

If a request for access to a record is denied (in whole or in part) or deemed denied, the requester may file an appeal with the State Office of Open Records with fifteen (15) business days of the mailing date of the City of Philadelphia's denial. The appeal should state the grounds upon which the requester asserts the items requested are public and/or financial records under the Law; the appeal shall also address any grounds stated by the City of Philadelphia for denying the request.

Unless the requester agrees otherwise, the State Office of Open Records Appeals Officer shall make a final determination which shall be mailed to the requester and the City of Philadelphia within thirty (30) days of receipt of the appeal. Should the appeals Officer fail to issue a ruling within thirty (30) days, the appeal is deemed denied.

Before a final determination is issued, a hearing may be held. The determination by the Appeals Officer shall be a final order. The Appeals Officer shall provide a written explanation of the reasons for the decision to the requester and the City of Philadelphia.

Within thirty (30) days of the mailing date of the final determination of the Appeals Officer, a requester or the City of Philadelphia may file a petition for review or other document(s) as required by rule of court with the Philadelphia Court of Common Pleas.

#### 5. Fees and Charges

Fees for duplication of records have been established and posted by the State Office of Open Records. The City of Philadelphia will charge \$0.25 per page for photocopies, which is consistent with the State Office of Open Records regulations.

The City of Philadelphia reserves the right to impose additional fees if it incurs costs for complying with a request, pursuant to the Right to Know Law; such additional fees, when charged, must be reasonable. This includes, but is not limited to, fees for enhanced electronic access and certified copies of documents.

#### 6. Written Policies and Regulations

The City of Philadelphia and each Open Records Officer shall retain the discretion and authority to adopt any other written policies that are consistent with the Right to Know Law, and these policies, as amended from time to time, that they deem to be necessary or prudent, consistent with the Right to Know Law.

# City of Philadelphia

*RESOLUTION NO. 090030 continued*

CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the twenty-second of January, 2009.

Anna C. Verna  
PRESIDENT OF THE COUNCIL

Patricia Rafferty  
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Tasco for Council President Verna

Sponsored by: Council President Verna