



DEPARTMENT OF THE AUDITOR GENERAL
COMMONWEALTH OF PENNSYLVANIA

ADMINISTRATIVE DIRECTIVE

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CHIEF OF STAFF

2025-01

Right-to-Know Law Policy
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PENNSYLVANIA DEPARTMENT OF THE AUDITOR GENERAL

Administrative Directive establishing policies and procedures for processing requests under the Right-to-Know Law.

I. Introduction

A. Purpose:

This Administrative Directive establishes policies and procedures to allow for access by the public to records within the custody and control of the Pennsylvania Department of the Auditor General (“Department”) as required by the Right-to-Know Law, 65 P.S. §67.101 *et seq.* (“RTKL”).

B. Scope:

This Administrative Directive shall apply to all offices and bureaus under the jurisdiction of the Department. Nothing in this directive shall be construed to modify, rescind, or supersede the Department’s records retention policy.

C. Policy:

The Department and its employees shall comply with the requirements of the RTKL. The Department retains the right to establish and impose reasonable rules, including, but not limited to, this Administrative Directive, to effectuate the Department’s compliance with the RTKL.

II. Appointment of Open Records Officer and Appeals Officer

A. The Department’s Chief Counsel or their designee shall serve as the Department’s Open Records Officer.

1. The Open Records Officer shall receive and process all requests for information properly submitted under the RTKL.
2. Department employees who receive requests for information under the RTKL shall forward the request to the Open Records Officer by the next business day.

B. The Department’s Deputy of Administration or their designee shall serve as the Department’s Appeals Officer. (As authorized pursuant to Section 67.503(d)(1))

III. Procedures for Processing Requests for Information

- A. A request for records under the RTKL shall be made in writing and signed by the requester. The Department will not accept verbal, telephone, anonymous, or unsigned requests. The Department's *RTKL Request Form* is attached to this Administrative Directive. A uniform request form is also available from the Commonwealth's Office of Open Records

<https://www.openrecords.pa.gov/Documents/RTKL/RTKRequestForm.pdf>

All requests shall be directed to the following office:

Open Records Officer
Department of the Auditor General
224 Finance Building
Harrisburg, Pennsylvania 17120-0018
Fax: (717) 772-1287 E-mail: RTKOfficer@PaAuditor.gov

- B. Written requests for records may be submitted to the Department by mail, fax, or e-mail above, or by delivery in person to the address above during the regular business hours of the Department. Access to records by inspection, for purposes of this policy shall be by appointment and between the hours of 9:00 a.m.- 4:00 p.m.
- C. Requests for information are not deemed received by the Department for purposes of the response period(s) under the RTKL until actually received and viewed by the Department Open Records Officer.
- D. The request should identify or describe the records sought with sufficient specificity to enable the Open Records Officer to ascertain which records are being requested. If the request does not contain sufficient information to identify the record sought, the Open Records Officer shall notify the requester of the deficiencies in the request. The request shall not be considered received by the Department for purposes of the time periods established by the RTKL until the requester provides the information necessary to identify the records sought.
- E. Upon receiving a request for a record, the Open Records Officer shall:
1. Stamp the date of receipt on the written request.
 2. Compute the date on which the statutory five-day period under Section 901 of the RTKL will expire, make a notation of that date on the written request, and track the Department's progress in responding to the request.
 3. Maintain an electronic or paper copy of the written request, including all correspondence issued and all documents submitted with the Department's reply.

4. Create a file for the retention of the original request, a copy of the Department's response, a record of any other ~~written~~ communications with the requester, and a copy of any other communications related to the request.
5. Ascertain whether the record may be produced within the statutory five-day period or whether an extension of time is necessary under Section 902 of the RTKL.
6. Ascertain whether the request should be directed to other appropriate persons within or outside the Department, and/or whether a third party may have a direct interest in the request, and if so, forward as appropriate and/or notify the third party that a request for such records has been made.
7. Provide written notice to the requester under Section 902 of the Law with regard to the anticipated extension of time needed to provide a response to the request.
8. Negotiate any additional extensions of time that may be desirable to efficiently and effectively respond to the request.
9. Direct other employees of the Department to provide the Open Records Officer all records that appear responsive to the request.
10. Review Department records that appear responsive to the request and determine whether the record is exempt from public access due to application of a lawful privilege, an exception under the RTKL, or because disclosure is prohibited by state or federal law or court order.
11. Redact any non-releasable portion of a record.
12. Ascertain the estimated costs for the reproduction of the records. Notify the requester of the estimated costs. A *RTKL Request Fee Schedule* shall be established by the Open Records Officer, reviewed and revised as needed, and attached to this Administrative Directive.
13. Determine whether the request is disruptive or otherwise subject to denial under Section 506 of the RTKL.
14. Respond in writing to the request consistent with the time limits and other requirements of the RTKL. In the case of a denial of a record, either in whole or in part, the response shall include the information required under Section 903 of the RTKL.
15. Unless the requester specifically seeks to examine or obtain access to an original document, the Department may (depending on the size and nature of the request) satisfy its disclosure obligation by sending the

requester a copy of the information requested. Otherwise, any information determined to be a public record subject to the disclosure provisions of the Law shall be made available for public inspection and duplication during regular office hours. Prior to inspecting such documents, the requester must furnish the Department with identification to ensure that the requesting party is the same individual that made the request or is an authorized representative of the individual that made the request.

16. Maintain and track all communications and records related to the request throughout all stages of the process, from initial request through any appeals.

IV. Procedures to Appeal the Denial of Access to Records

A. A person whose request for access to records has been denied in whole or in part may file an appeal of the denial. The appeal must be made in writing and must be filed within 15 business days of the mailing or email date of the denial or within 15 business days of a deemed denial. The appeal shall be directed to:

Open Records Appeal Officer
Department of the Auditor General
229 Finance Building
Harrisburg, Pennsylvania 17120-0018

B. The Appeals Officer shall hear appeals from persons who file written requests for information that has been denied under Section 903 of the RTKL, or that has been deemed denied under Section 901 or 902 of the RTKL.

C. The appeal shall include all grounds upon which the requester is relying upon in asserting that the record is a public document, and the appeal must address all grounds asserted by the Department's Open Records Officer in denying the request. Issues not raised by the requester in the appeal shall be deemed waived. A copy of the request form shall be submitted with the appeal.

D. The Open Records Officer shall file a written reply to the requester's appeal within 15 days of receipt of the appeal. The Open Records Officer may extend this deadline by providing notice to the requester.

E. The parties may submit unsworn written statements to establish facts in support of their respective positions. A party who provides a false unsworn statement may be subject to penalties as provided by 18 Pa.C.S. §4904 (pertaining to criminal penalties for providing unsworn false statements to authorities).

F. The Appeals Officer may review records *in camera* to ascertain whether the denial of the record should be sustained or reversed.

- G. The Department appeals officer may schedule a hearing on the matter, upon the request of either party, if the appeals officer believes such hearing would be beneficial to the deliberative process.
- H. The Appeals Officer shall issue a written determination within 30 days of receipt of the appeal. If the Department appeals officer fails to issue a final determination within 30 days, the appeal is deemed denied. The determination of the Appeals Officer shall be the final determination of the Department.
- I. The Open Records Officer shall comply with the decision of the Appeals Officer or, within 30 days of the date of the final agency decision, file a Petition for Review of the decision to Commonwealth Court.
- J. To the extent that the decision sustains the denial of the records request, the requester may, within 30 days of the mailing date of the final agency decision, file a Petition for Review to the Commonwealth Court.
- K. The Open Records Officer shall be responsible for the recording and tracking of all incoming requests and shall keep a record of Department compliance with these requests under the RTKL.

V. Creation of Records

The Department is not required to create a record that does not currently exist, or compile, maintain, format, or organize a record in a manner in which the Department does not currently compile, maintain, format, or organize its records.

Any record that is exempt from disclosure under the RTKL, other applicable law or order of court shall not be converted to a public record through redaction.

VI. Information Available Electronically or on the Department's Website

To the extent that the requested record is available either electronically or through the Department's website, the Department's Open Records Officer may respond to the request by either directing the requester regarding how to access the record electronically or by directing the requester to where the responsive information can be publicly located.

VII. Obligations of Department Personnel

All Department personnel are directed to cooperate fully with the Department's Open Records Officer and Appeals Officer with regard to the production of records in the employee's custody or control.

Records that are the subject of a current or pending RTKL request must be retained by the Department, even if the applicable internal records retention and disposition schedule for such records indicates otherwise. These records may not be disposed of during the duration of the active request, the appeal period related to the request

or during any subsequent appeal related to the request. The Department's Open Records Officer should be consulted prior to the disposal or destruction of any records which are responsive to requests under the RTKL.

VIII. Effective Date

This Administrative Directive shall become effective on January 30, 2025.

IX. Distribution

This Administrative Directive shall be made available to the public by publication on the Department's website and in writing upon request.

PENNSYLVANIA DEPARTMENT OF THE AUDITOR GENERAL

RTKL Request Fee Schedule

If a written request for records is granted, the following fees shall be charged to the requester:

Copies:

Photocopies **\$.25 per copy**

Certified photocopies **\$ 1.00 per copy**

Flash Drives:

Actual Cost

Postage:

Records fitting into standard letter-sized envelope **No charge**

Other types of mailing **Actual cost of First Class USPS Mail**

A “photocopy” is either a single-sided copy or one side of a double-sided copy of a standard 8.5 x 11-inch page. The requester may be required to submit the costs in advance. If the requester has not paid for prior records requests, which have been prepared upon their request, or they have an outstanding balance with the Department for costs incurred by the Department, in that case, no additional records will be produced until such charges have been satisfied. All costs shall be paid by check or money order payable to the “Pennsylvania Department of the Auditor General.”