

## Open Records Policy– City of Philadelphia

Effective January 1, 2009

Last updated on February 1, 2012

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<sup>1</sup>, 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.

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<sup>1</sup> 8:30AM-5:00PM.

## 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). 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, including information concerning their respective Open Records Officers.

### Direction of Specific Requests:

- All requests from lawyers or law firms must be directed to the Open Records Officer for the City of Philadelphia Law Department.
- All requests for Police Reports must be directed to the Open Records Officer for the City of Philadelphia Department of Records.

The current list of Officers can be found below:

<u>Agency</u>	<u>Officer &amp; Contact Information</u>
Mayor's Office	Kathleen Lonie Room 204 City Hall Philadelphia, PA 19107 (215) 686-7508 (phone) (215) 686-2555 (fax) kathleen.lonie@phila.gov
City Council	Mary Ellen Milovsky Council President's Office City Hall Room 495 Philadelphia, PA 19107 (215) 686-2168 (phone) (215) 686-1913 (fax) mary.ellen.milovsky@phila.gov
Law Department	Jo Rosenberger Altman, Esquire 1515 Arch Street, 16 <sup>th</sup> Floor Philadelphia, PA 19102 (215) 683-5174 (phone) (215) 683-5162 (fax) jo.rosenbergeraltman@phila.gov

Managing Director's Office

Ilia Daniels, Assistant Managing Director  
1401 J.F.K. Blvd., 14th floor  
Philadelphia, PA 19102  
(215) 686-3694 (phone)  
(215) 686-3479 (fax)  
ilia.daniels@phila.gov

Board of Ethics

Nedda Massar  
1441 Sansom Street, 2nd Floor  
Philadelphia, PA 19102  
(215) 686-9450 (phone)  
(215) 686-9453 (fax)  
nedda.massar@phila.gov

Office of Housing & Community Development  
Planning Commission  
Commerce Department  
Historical Commission

Rubi Pacheco-Rivera  
Assistant Commerce Director  
1515 Arch Street, 12th Floor  
Philadelphia, PA 19102  
(215) 683-2169 (phone)  
(215) 557-8538 (fax)  
rubi.pacheco-rivera@phila.gov

Licenses & Inspections

Alethia M. Dessus  
Municipal Services Building Rm. 1130  
(215) 686-2400/01 (phone)  
(215) 686-2403 (fax)  
alethia.dessus@phila.gov

Budget Office  
Treasurer  
Administrative Review  
Risk Management

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

Records

Joan Decker, Commissioner  
Records Department  
Room 156 City Hall  
Philadelphia, PA 19107  
(215) 686-2262 (phone)  
(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 (phone)  
(215) 686-5228 (fax)  
paula.weiss@phila.Gov

Board of Revision of Taxes

Carla E. Pagan, CPE  
Executive Director  
Board of Revision of Taxes  
The Curtis Center  
601 Walnut Street, Suite 325 East  
Philadelphia, PA 19106  
(215) 686-4343 (phone)  
(215) 686-4336 (fax)  
carla.pagan@phila.gov

Office of Property Assessment

Michael Piper, CPE  
Deputy Administrator  
Office of Property Assessment  
The Curtis Center  
601 Walnut Street - Suite 300 West  
Philadelphia, PA 19106  
(215) 686-9282 (phone)  
(215) 686-9223 (fax)

Public Property

John Herzins  
Deputy Commissioner  
Department of Public Property  
Room 792 City Hall  
Philadelphia, PA 19107  
(215) 686-4434 (phone)  
(215) 686-4598 (fax)  
john.herzins@phila.gov

Police Department

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

Airport

Mark Pesce  
Public Affairs Manager  
Philadelphia International Airport  
Executive Offices  
Terminal D, 3<sup>rd</sup> Floor  
Philadelphia, PA 19153  
(215) 937-6944 (phone)  
(215) 937-6497 (fax)  
mark.pesce@phl.org

Fire  
Prisons  
Emergency Managements  
Office of Re-Entry

St. Martin K. Torrence  
Assistant Managing Director  
Office of the Managing Director  
1401 John F. Kennedy Blvd. - 14th Fl  
Philadelphia, PA 19102-1683  
(215) 686-9021 (phone)  
(215) 686-3493 (fax)  
st.martin.torrence@phila.gov

Civil Service Commission

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

Philadelphia Gas Commission

Julio J. Lastra  
1515 Arch Street, 9<sup>th</sup> Floor  
Philadelphia, PA 19102  
(215) 683-0902 (phone)  
(215) 683-0911 (fax)  
Lucille.Bajo@pgworks.com

Board of Pensions & Retirement

Mark J. Murphy  
Deputy Director  
Two Penn Center Plaza, 16<sup>th</sup> Floor  
Philadelphia, PA 19103  
(215) 496-7426 (phone)  
(215) 496-3146 (fax)  
mark.murphy@phila.gov

Revenue

Lisa Bratz  
Department of Revenue  
Municipal Services Building – 4<sup>th</sup> Floor  
1401 John F. Kennedy Boulevard  
Philadelphia, PA 19102-1697  
(215) 686-6505 (phone)  
(215) 686-6537 (fax)  
lisa.bratz@phila.gov

Division of Innovation & Technology

Kyna M. Kirkland  
Assistant Managing Director  
Division of Technology  
Managing Director's Office  
(215) 686-9444 (phone)  
(215) 686-8258 (fax)  
kyna.kirkland@phila.gov

Free Library of Philadelphia

Joe McPeak  
Free Library of Philadelphia  
1901 Vine Street-Room 117  
Philadelphia, PA 19103  
(215) 686-5325 (phone)  
(215) 686-5368 (fax)  
mcpeakj@freelibrary.org

Department of Behavioral Health

Nikena Warner  
Director of Management Services Division  
Department of Behavioral Health &  
Intellectual Disability Services (DBHIDS)  
ARAMARK Building  
1101 Market Street, 7th Floor  
Philadelphia PA 19107 - 2907  
(215) 685-5476 (Phone)  
(215) 685-5563 (fax)

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

Jo Rosenberger Altman, Esquire  
1515 Arch Street, 16<sup>th</sup> Floor  
Philadelphia, PA 19102  
(215) 683-5174 (phone)  
(215) 683-5162 (fax)  
jo.rosenbergeraltman@phila.gov

### 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 standard 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>). Effective February 1, 2012, the City of Philadelphia will require the standard statewide form be used for the submission of Right to Know requests, and will not consider a request to be a written request pursuant to the Right to Know Law unless the request is submitted on or with the standard statewide form. Beginning February 1, 2012, the City of Philadelphia will consider any request not submitted on or with the standard statewide form to be an informal request not subject to the Right to Know Law.<sup>2</sup> The City of Philadelphia reserves the right, at its sole discretion, to require a written request pursuant to the Right to Know Law before releasing records. A copy of the standard statewide form appears at the end of this policy.

The Law sets forth various specifications for the contents of a written request. To qualify as a written request under the Right to Know Law and the City of Philadelphia Open Records Policy the request must (a) be directed to the appropriate Open Records Officer designated above, (b) be submitted on or with the standard statewide form (beginning February 1, 2012), and (c) contain, at a minimum, the following information:

- i. name of requester;
- ii. address of requester; and
- iii. records being sought, identified or described 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.

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<sup>2</sup> The City of Philadelphia reserves the right, at its sole discretion, to use the Right to Know Law as guidance in responding to informal requests for records and/or information.

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. Appeals to the State Office of Open Records should be directed to the following address: Commonwealth of Pennsylvania, Office of Open Records, Commonwealth Keystone Building , 400 North Street, 4th Floor, Harrisburg, PA 17120-0225.

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 fees 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.

ATTACHMENT  
STANDARD RIGHT TO KNOW REQUEST FORM



# pennsylvania

OFFICE OF OPEN RECORDS

## STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: \_\_\_\_\_

REQUEST SUBMITTED BY: \_\_\_E-MAIL \_\_\_U.S. MAIL \_\_\_FAX \_\_\_IN-PERSON

REQUEST SUBMITTED TO (Agency name & Address): \_\_\_\_\_

NAME OF REQUESTER: \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

CITY/STATE/COUNTY (Required): \_\_\_\_\_

TELEPHONE (Optional): \_\_\_\_\_ EMAIL (Optional): \_\_\_\_\_

**RECORDS REQUESTED:** *\*Provide as much specific detail as possible so the agency can identify the information. Please use additional sheets if necessary.*

**DO YOU WANT COPIES?** YES or NO

**DO YOU WANT TO INSPECT THE RECORDS?** YES or NO

**DO YOU WANT CERTIFIED COPIES OF RECORDS?** YES or NO

**\*\* PLEASE NOTE: RETAIN A COPY OF THIS REQUEST FOR YOUR FILES \*\***  
**\*\* IT IS A REQUIRED DOCUMENT IF YOU WOULD NEED TO FILE AN APPEAL \*\***

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*FOR AGENCY USE ONLY*

**RIGHT TO KNOW OFFICER:**

**DATE RECEIVED BY THE AGENCY:**

**AGENCY FIVE (5) BUSINESS DAY RESPONSE DUE:**

*\*\*Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)*