

**Sports & Exhibition Authority of Pittsburgh
and Allegheny County
Right-to-Know Law Request Policy**

This policy will set forth the procedures for requesting access to, or copies of, public records from the Sports & Exhibition Authority of Pittsburgh and Allegheny County (hereafter, "SEA") under the provisions of the Pennsylvania Right-To-Know-Law (hereafter, "RTKL"). This policy is issued pursuant to Section 504 of the RTKL.

This policy shall take effect on January 1, 2009, and shall remain in effect until amended, superseded or withdrawn by the SEA. A copy of this policy is available at the SEA offices located at 171 10th Street, Floor 2, Pittsburgh, Pennsylvania 15222 and on the SEA website: www.pgh-sea.com.

This policy shall apply only to written requests made to the SEA's Open Records Officer for SEA records. Any other office or agency may have its own separate written RTKL policy, and should be contacted directly.

SECTION 1: RTKL REQUESTS

- 1.1 **SEA Open Records Officer and Address.** All requests for access to the SEA's public records must be in writing and addressed to:

Open Records Officer
Sports & Exhibition Authority
171 10th Street, Floor 2
Pittsburgh, Pennsylvania 15222

Facsimile: (412) 393-7104
E-mail: openrecordsofficer@pgh-sea.com

- 1.2 **SEA's Office Hours.** The regular business hours of the SEA are Monday through Friday, 8 a.m. through 5 p.m.

The SEA offices are closed on all state holidays, and on any other day on which the offices under the control of the SEA are officially closed.

A RTKL request that is received by the Open Records Officer after the close of regular business hours shall be deemed to have been received by the Open Records Officer on the following business day. For example, a request received via facsimile transmission at 5 p.m. on a Friday will be deemed to have been received by the SEA Open Records Officer on the following Monday, unless the SEA is closed on the following Monday, in which case the request will be deemed to have been received on the following Tuesday.

1.3 **Methods for Delivering Written Requests.** Written requests for access to public records must be sent or delivered to the SEA's Open Records Officer via one of the following methods:

- A. by United States Mail, postage pre-paid;
- B. by hand-delivery to the office of the SEA's Open Records Officer;
- C. by facsimile at the facsimile number for the SEA's Open Records Officer; or
- D. by e-mail openrecordsofficer@pgh-sea.com.

Any written requests forwarded to other SEA personnel may result in a delayed response to your request for access to public records.

1.4 **RTKL Requests Must Be Delivered to the SEA's Open Records Officer.** The SEA Open Records Officer is its In-House Attorney, and is the only SEA employee with the authority and responsibility to receive to RTKL requests. No other official is authorized to receive such requests and any delay in delivery to the SEA's Open Records Officer may result in a delay to a response to your request. Delivery of an RTKL request to any person other than the SEA's Open Records Officer does not initiate the official time period in which a response is warranted under the RTKL. Such time period will begin upon receipt of the request by the SEA's Open Records Officer.

1.5 **Content of Request.** A request for access to public records made to the SEA's Open Records Officer must:

- A. be made in writing;
- B. identify the requestor by his or her full name;
- C. contain the full address of the requestor's residence or place of business;
- D. be signed by the requestor;
- E. identify the return address to which the SEA's Open Records Officer should send the SEA's official response;
- F. clearly state that the request is made pursuant to the Pennsylvania Right to Know Law;
- G. clearly identify or describe the record or records sought by the requestor with sufficient specificity to enable the SEA's Open Records Officer to identify the record or records being requested; and

- H. clearly and explicitly label the document or subject as a “RIGHT TO KNOW LAW REQUEST.”

The requestor may forward their request with all of the above-referenced information on their own form or on the form established by the Pennsylvania Office of Open Records, which is available online at <http://openrecords.state.pa.us/>.

In no instance shall the SEA be required to create a public record which does not exist nor shall the SEA be required to compile, maintain, format or organize a public record in such a manner in which the SEA does not customarily compile, maintain, format or organize the public record.

- 1.6 **Additional Request Information.** The SEA asks that a RTKL request also include the requestor’s daytime telephone number in the event the SEA’s Open Records Officer needs to contact the requestor to discuss his or her RTKL request or to obtain clarification or additional information related to the request.
- 1.7 **Oral, Verbal or Anonymous Requests may not be Accepted.** The SEA’s Open Records Officer shall not be obligated to respond to:
 - A. oral RTKL requests;
 - B. RTKL requests that are submitted by any method other than those permitted by this policy or by statute; or
 - C. anonymous RTKL requests, or any request which does not otherwise clearly identify the information set forth in Section 1.5, above.

Any oral or anonymous RTKL request may be denied without cause. The SEA may, at its sole discretion, receive and respond to informal requests for easily accessible documents.

- 1.8 **RTKL Requests Must Be in a Separate Document.** A RTKL request must be set forth in a separate, stand-alone document, preferably on one of the approved request forms available through the Pennsylvania Office of Open Records. Demands or requests for access to records that are included in other documents may go unnoticed and are ill-advised.
- 1.9 **Access to Documents in General.** The following provisions apply generally to the access to public records under the RTKL:
 - A. *Right to access.* The RTKL provides all legal residents of the United States with the right to inspect and duplicate public records in the possession of the SEA, subject to the limitations and exceptions as established in the RTKL, during the regular business hours of the SEA.

- B. *Physical access generally.* The SEA's Open Records Officer is the only individual in the SEA who has the authority to grant physical, in-person access to the public records in the possession of the SEA. The SEA's Open Records Officer may, in his or her discretion, impose reasonable restrictions as to the time, place and nature of the physical access to these public records. Nothing in the RTKL necessitates any local agency, including the SEA, to require access to any SEA computer, either of the SEA itself or an individual employee of the SEA.

Furthermore, nothing in this policy or under the RTKL shall prohibit the SEA from requiring the presence of a designated SEA employee when original public records are examined and inspected in person. Any requestor who does not allow the presence of such designated SEA employee shall be considered to have waived their right of access to such original public records.

- C. *Access provided by mailing a copy of the record(s).* The SEA's act of mailing a copy of a public record to the requestor at the address given by the requestor in his or her request shall constitute providing the requestor with physical access to the public record. However, if the requestor specifically requests access to the original record and such request is an allowable request under the RTKL, access to such record will be granted pursuant to the reasonable time, place and access restrictions established by the SEA Open Records Officer.

- D. *Records available via SEA website.* Some of the SEA's public records will be made available through the SEA's official website: www.pgh-sea.com. Physical access to such records is considered to have been provided for all records contained on the SEA website. Where the SEA has already posted a requested record on the SEA website, the SEA will be deemed to have complied with any request for access to such record and the requestor will be directed to access the record via the website.

SECTION 2: THE SEA RESPONSE

- 2.1 **Receipt of a Written Request for Access.** Upon receipt of a written request for access to a record, the SEA shall make a good faith effort to determine if the record requested is a public record and whether the SEA has possession, custody or control of the identified record, and to respond as promptly as possible under the circumstances existing at the time of the request.
- 2.2 **Response Time after Receipt of Written Request.** The time for response shall not exceed five (5) business days from the date the written request is received by the SEA's Open Records Officer. Failure by the SEA to send a response within five (5) business days of receipt of the written request for access shall be deemed a denial of the request. If the SEA's Open Records Officer determines that the request requires further review, the Open Records Officer shall provide written notice to the requestor within five (5) business days indicating the reason for the review, a reasonable date a response is

expected and an estimate of all applicable fees owed. Review of the request may occur in situations where:

- A. the request for access requires redaction of a record;
- B. the request for access requires the retrieval of a record stored in a remote location;
- C. a timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations;
- D. a legal review is necessary to determine whether the record is a record subject to access under this act;
- E. the requester has not complied with the agency's policies regarding access to records;
- F. requester refuses to pay applicable fees authorized by this act; or
- G. the extent or nature of the request precludes a response within the required time period.

If the date that a response is expected to be provided is in excess of thirty (30) days, following the five (5) business days referred to above, the request for access shall be deemed denied unless the requestor has agreed in writing to an additional extension of time.

2.3 **Denial of Written Request.** If the SEA's response is a denial of a written request for access, whether in whole or in part, the denial will be issued in writing and will include:

- A. a description of the record requested;
- B. the specific reasons for the denial, including a citation of supporting legal authority;
- C. the typed or printed name, title, business address, business telephone number and signature of the Open Records Officer on whose authority the denial is issued;
- D. the date of the response; and
- E. the appeal procedure for denials of access under the RTKL.

2.4 **Appeals of a Denial of a Written Request.** All appeals of the denial of a written request shall be in accordance with the RTKL and any regulations created with respect thereto. The official appeal procedure shall accompany the SEA's response for all full or partial denials of access as set forth above.

- 2.5 **Delegation.** The SEA's Open Records Officer may delegate matters regarding responding to a RTKL request to a member of the SEA staff, or to the SEA's legal counsel.

SECTION 3: FEES

- 3.1 **Fees in General.** The cost of providing access to public records is to be borne by the requestor, and will be charged to the requestor by the SEA in accordance with the RTKL.

- 3.2 **Standard fees.** The following fees may be imposed upon the requestor as established by the Pennsylvania Office of Open Records as follows:

- A. *Photocopies:* [A “photocopy” is either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5” x 11” page]
- \$0.25 per page.
- B. *Certification of a Record:*
- \$1.00 per record, not per page. Please note that certification fees do not include notarization fees.
- C. *Specialized Documents:* [For example, but not limited to, blueprints, color copies, non-standard sized documents]
- Actual Cost.
- D. *Facsimile/Microfiche/Other Media:*
- Actual Cost.
- E. *Postage:*
- Fees for postage shall not exceed the actual cost of mailing.
- F. *Conversion to paper or other media:*
- 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 that the record be duplicated in the more expensive medium.
- G. *Prepayment:*
- Prior to granting a request for access in accordance with the RTKL, the SEA may require a requester to prepay an estimate of the fees authorized

under this section if the fees required to fulfill the request are expected to exceed One Hundred Dollars (\$100.00).

H. *Forms of Payment:*

- All costs to be paid by a requestor shall be paid by either cash, business check, certified check or money order made payable to “Sports & Exhibition Authority.”