BOROUGH OF UNION CITY

RIGHT- TO –KNOW LAW

You have the right to request access to public records held by the Borough of Union City. Request for public records are to be made to the Open Records Officer. Requests may be submitted in person, by mail, by email, or by facsimile. Requests may be oral or written, and may be made using the Borough of Union City Public Records Request Form. The form is available from the Open-Records Officer, in the City Building located at 13 South Main Street, Union City, Pennsylvania or at www.unioncitypa.com.

Additionally, requests may be made using the Pennsylvania Office of Open Records Uniform Request Form, available at http://openrecords.state.pa.us.

Regulations, policies and procedures of the Borough of Union City are available from the Open-Records Officer, in the City Building located at 13 South Main Street, Union City, Pennsylvania or at www.unioncitypa.com.

The Borough of Union City Open-Records Officer may be contacted at:

Cindy Wells, Borough Manager
City Building
13 South Main Street
Union City, PA 16438
(814) 438-2331 (office)
(814) 438-7115 (fax)
Secretary@UCBorough.us

The Pennsylvania Office of Open Records may be contacted at:

Office of Open Records
555 Walnut Street, Suite 605
Harrisburg, PA 17101
717-346-9903
717-425-5343 – FAX
openrecords@pa.gov

#813235

BOROUGH OF UNION CITY

RULES AND REGULATIONS
GOVERNING THE RELEASE OF PUBLIC RECORDS
UNDER THE PENNSYLVANIA RIGHT-TO-KNOW LAW

Updated November 24, 2025

These Rules and Regulations are intended to aid in compliance with the Pennsylvania Right-to-Know Law, Act 3 of 2008. These Rules and Regulations shall apply to requests for records made after December 31, 2008.

I. GENERAL

A. The Borough of Union City shall provide public records in accordance with Act 3 of 2008 and with these rules and regulations. In the event of a conflict between the rules and regulations and the Act, the Act shall apply.

B. Requests for access to a public record may not be denied due to the intended use of the public record by the requester.

C. A record in the possession of the Borough of Union City shall be presumed to be a public record. The presumption shall not apply if:

1. the record is exempt from access;
2. the record is protected by a privilege; or
3. the record is exempt from disclosure under any other Federal or State law or regulation or judicial order or decree.

D. Definitions

All terms not otherwise defined within these Rules and Regulations are to be defined by Act 3 of 2008.

1. The term "financial record" includes any of the following:
   a. Any account, voucher or contract dealing with:
      (i) the receipt or disbursement of funds by an agency; or
      (ii) an agency's acquisition, use or disposal of services, supplies, materials, equipment or property.
   b. The salary or other payments or expenses paid to an officer or employee of an agency, including the name and title of the officer or employee.
   c. A financial audit report. The term does not include work papers underlying an audit.

2. The term "personal financial information" includes an individual's personal credit, charge or debit card information; bank account information; bank, credit or financial statements; account or PIN numbers and other information relating to an individual's personal finances.

3. "Privilege" means the attorney-work product doctrine, the attorney-client privilege, the doctor-patient privilege, or other privilege recognized by a court interpreting the laws of this Commonwealth.

4. The term "public record" means a record, including a financial record, of the Borough of Union City that:
   a. is not exempt under section 708 of Act 3 of 2008;
   b. is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or
   c. is not protected by a privilege.

5. "Record" means information, regardless of physical form or characteristics, that documents a transaction or activity of the Borough of Union City and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the Borough of Union City. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and a data-processed or image-processed document.

6. "Requester" includes a person that is a legal resident of the United States and requests a record pursuant to this act. The term includes an agency.

II. OPEN-RECORDS OFFICER

A. Appointment of Open-Records Officer

1. From time to time, as necessitated by a vacancy in the office, the Borough of Union City Borough Council shall appoint, by Resolution, an official or employee to serve as the Borough of Union City Open-Record Officer.

B. Functions of Open-Records Officer

1. Receive requests for public records submitted to the Borough of Union City.
2. Direct requests to other appropriate persons within the Borough of Union City or in another agency.
3. Track the progress in responding to requests.
4. Issue interim and final responses to requests in a compliant fashion.

C. Responsibilities

1. Upon receiving a request for a public record, an open records-officer shall:
    a. Note the date of receipt of the request
    b. Compute when the five-day response time will expire and make note of such on the written request
    c. Provide for the disposition of requests and responses.

III. POSTING

A. Postings required by Act 3 of 2008 will be made at the City Building located at 13 South Main Street, Union City, Pennsylvania and on the Borough of Union City's website, www.unioncitypa.com. A copy of the required posting is available in the appendix to this document.

IV. REQUEST AND ANSWER PROCESSING

A. Form of Requests

1. Requesters may submit requests that are either written or oral.
2. A written request for records may be submitted:
    (a) In person
    (b) By mail
    (c) By email

(d) By facsimile

3. Written requests may be submitted:

(a) On the Borough of Union City Request for Open Records Form, as found in the appendix and available on the Borough of Union City website, www.unioncitypa.com, from the Open-Records Officer or at the City Building located at 13 South Main Street, Union City, Pennsylvania.

(b) On the Uniform Form developed by the Pennsylvania Office of Open Records.

(c) In writing by the requester, so long as such request complies with Subsection 4 of this section.

4. Requests for access to Public-Records:

(a) Are to be addressed to the Open-Records Officer;

(b) Should identify or describe the records sought with sufficient specificity to enable the Borough of Union City to ascertain which records are being requested; and

(c) Shall include the name and address to which the Borough of Union City should address its response.

5. Anonymous Right-to Know Requests (Updated July 24, 2024)

(a) The Pennsylvania Right-to-Know Law (the RTKL) requires agencies to respond to Right-To-Know requests from "requesters" which Section 102 of the RTKL (65 P.S. 67.102) defines as: "a person that is a legal resident of the United States." Section 702 of the RTKL (65 P.S. 67.702) allows the Borough the discretion in how we respond to anonymous Right-To-Know requests. Pursuant to Section 702 and in line with past Final Determinations and guidance from the Office of Open Records on anonymous requests[1], the Borough will not respond to any anonymous requests it receives.

(b) Anonymous requests are any request which does not include sufficient information for the Borough to identify the requester as a "person who is a resident of the United States." The Borough may investigate the identity of individuals who submit requests to ensure that each request comes from a "legal resident of the United States" and any request in which Borough is unable to verify the request comes from a "legal resident of the United States" will be considered an anonymous request. This includes but is not limited to: requests which do not provide the legal name of the individual submitting the request; requests submitted under a pseudonym or false name; and requests which do not truly come from the named individual or the named individual is determined to not exist.

B. Duties Upon Receipt of Requests:

1. All Borough of Union City employees are to forward requests for records to the Open-Records Officer.

2. The Open-Records Officer shall:

---

[1] See, e.g., *Frank Curry and FOIA Buddy v. South Western School District*, OOR Dkt. AP 2024-1311

(a) Note the date of receipt of the request on the written request; and

(b) Compute the day on which the five-day period for the initial response will expire and note the date on the written request.

3. Initial Agency Response

(a) Upon receiving a request, the open records officer shall make a good faith effort to:

(i) Determine whether the requested record is a public record and within control of the Borough of Union City; and,

1. If the Open-Records Officer determines that the request includes a record that is not in the possession of the Borough of Union City, but is in the possession of a party with whom the Borough of Union City has contracted to perform a governmental function on its behalf, and if the requested record relates to the governmental function and is not otherwise exempt under Act 3 of 2008; then the Open-Records Officer shall make arrangements with the Third Party Contractor to obtain the record.

(ii) Respond as promptly as possible.

(b) Written Agency Response

(i) The Borough of Union City shall provide the initial written response within five business days from the receipt date of the request.

1. The initial written response may grant, deny, partially grant and partially deny, or claim an extension of time in which to respond.

(ii) Extensions of time

1. An Open-Records Officer may claim an extension of time is necessary to properly respond to the request for public records if one or more of the following apply:

- The request must be redacted.
- The record is stored in a remote location and must be retrieved.
- Bona fide and specified staffing limitations prevent a timely response.
- Legal review is necessary to determine if the record is subject to access.
- The requester has not complied with the agency's access policies or refuses to pay applicable fees.

- The extent or nature of the request precludes a response within the required time period.

2. The extension of time shall not be in excess of 30 days following the five business days for the initial response.
3. Written notice of a claim of extension of time shall state that the record is being reviewed, the reason for the review and the date that the response will be provided in accordance with subparagraph 2 above.

(iii) Denial of Requests

1. An agency may deny access to a record when:
   - A requester has made repeated requests for the same record, placing an unreasonable burden on the agency;
   - Timely access of the record is not possible due to flood, fire, or other disaster; or,
   - Physical damage may occur to a historical, ancient or rare record.
2. The Borough of Union City may deny access to a record if one of the enumerated exceptions contained in Section 208 of Act 3 of 2008 applies, and the Borough of Union City can show, by the preponderance of the evidence, that the exemption applies.
3. Written Denials shall be issued, whether in whole or in part, and shall include:
   - A description of the record requested;
   - Specific reasons for the denial, including a citation of supporting legal authority;
   - The name, title, business address, business telephone number and signature of the open-records officer who denied the request;
   - Date of the response; and,
   - The procedure to appeal the denial of access.

V. MISCELLANEOUS

A. Creation of Record.

(1) When responding to a request for access, the Borough of Union City shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the Borough of Union City does not currently compile, maintain, format or organize the record.

B. Medium Records are to be Provided to a Requester.

(1) A record being provided to a requester shall be provided in the medium requested if it exists in that medium; otherwise, it shall be provided in the medium in which it exists.

C. Redaction.

(1) If the Borough of Union City determines that a public record or financial record contains information which is subject to access as well as information which is not subject to access, the Borough of Union City's response shall grant access to the information which is subject to access and deny access to the information which is not subject to access. If the information which is not subject to access is an integral part of the public record or financial record and cannot be separated, the agency shall redact from the record the information which is not subject to access, and the response shall grant access to the information which is subject to access. The agency may not deny access to the record if the information which is not subject to access is able to be redacted. Information which the Borough of Union City redacts in accordance with this subsection shall be deemed a denial.

D. Requests for Certain Records.

(1) General rule. — If, in response to a request, the Borough of Union City produces a record that is not a public record, or financial record, the Borough of Union City) shall notify any third party that provided the record to the agency, the person that is the subject of the record and the requester.

(2) Requests for trade secrets. — The Borough of Union City shall notify a third party of a request for a record if the third party provided the record and included a written statement signed by a representative of the third party that the record contains a trade secret or confidential proprietary information. Notification shall be provided within five business days of receipt of the request for the record. The third party shall have five business days from receipt of notification from the agency to provide input on the release of the record. The Borough of Union City shall deny the request for the record or release the record within ten business days of the provision of notice to the third party and shall notify the third party of the decision.

E. Document Retention.

(1) Documentation of requests for public records is to comply with the Borough of Union City records retention schedule.

F. Fees

(1) Fees for postage may not exceed the actual cost of mailing.

(2) Fees for duplication, by photocopying, printing from electronic media or microfilm, copying onto electronic media, transmission by facsimile or other electronic means and other means of duplication shall be established by the Pennsylvania Office of Open Records.

(3) The Borough of Union City may impose a reasonable fee for official certification of copies of the records at the request of the requester.

(4) Conversion to paper. - If a record is only maintained electronically or in other nonpaper 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 for the record to be duplicated in the more expensive medium.

(5) If the fees are expected to exceed $100.00, all fees must be prepaid prior to granting a request for access.

#813245

Pennsylvania
Office of Open Records

Standard Right-to-Know Law Request Form

*Please read carefully. Complete this form and retain a copy of **both** pages; this copy may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied. More information about the RTKL is available at https://www.openrecords.pa.gov. In most cases, a completed RTKL request form is a public record.*

SUBMITTED TO AGENCY NAME: _____(Attn: AORO)

Date Request Submitted: _____ Submitted via: ☐ Email ☐ U.S. Mail ☐ Fax ☐ In Person

PERSON MAKING REQUEST:

Full Name: _____

Company (if applicable): _____

Please send **response via:** ☐ **Email** ☐ **U.S. Mail**

If you wish to obtain records that only exist in hard copy, or must be provided on an electronic storage device, you may be required to provide a mailing address to the agency. See Section 703.

Email: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____ Telephone: _____

How do you prefer to be contacted if the agency has questions? ☐ **Telephone** ☐ **Email** ☐ **U.S. Mail**

☐ **By checking this box, I affirm that my full name and contact information is true and correct, and that I am a legal resident of the United States. *I understand that failure to check this box may result in the denial of my request and the dismissal of any appeal filed with the Office of Open Records.***

RECORDS REQUESTED: *Provide as much detail as possible, including subject matter, time frame, and type of record sought. RTKL requests must seek records, not ask questions. Use additional pages if necessary.*

Form continues on page 2. Retain a copy of both pages.

RECORDS REQUESTED (continued):

DO YOU WANT COPIES? ☐ Yes, printed ☐ Yes, electronic ☐ No, in-person inspection

Records shall be provided in the medium requested if they exist in that medium; otherwise, they shall be provided in the medium in which they exist. See Section 701. Your request may require payment or prepayment of fees. View the Official RTKL Fee Schedule for more details.

I understand that my request may incur fees. Notify me before further processing if fees will be more than ☐ $100 (or) ☐ $_____.

Do you want certified copies? ☐ Yes (*may be subject to additional costs*) ☐ No

ITEMS BELOW THIS LINE FOR AGENCY USE ONLY

Tracking: _____ Date Received: _____ Response Due (5 bus. days): _____

30-Day Ext.? ☐ Yes ☐ No (If Yes, Final Due Date: _____) Actual Response Date: _____

Request was: ☐ Granted ☐ Partially Granted & Denied ☐ Denied Cost to Requester: $_____

☐ Appropriate third parties notified and given an opportunity to object to the release of requested records.

Retain a copy of both pages of this Form.