



pennsylvania

OFFICE OF OPEN RECORDS

2021 Agency Website Review

An analysis of the Right-to-Know Law request information provided on local and state government websites across Pennsylvania

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INTRODUCTION

Beginning in May of 2021, the Pennsylvania Office of Open Records (OOR) embarked on an inaugural review of how local and Commonwealth agencies post information explaining how to submit Right-to-Know Law (RTKL) requests on their websites. This review was conducted to develop best practices for communicating this information from the agency to the public in a way that is easy to find, easy to understand, and complies with RTKL requirements.

The RTKL¹ requires any agency maintaining a website to provide basic records request information. Beyond satisfying this statutory requirement, agencies should strive to make submitting a RTKL request straightforward and easy. Incomplete, confusing, difficult to find, or nonexistent information is a major deterrent to transparency and, in turn, accountability. A citizen's inability to find such information could lead him or her to conclude that an agency is not subject to the RTKL or to simply give up and not file a request; in addition, it may be a contributing factor in the hundreds of misdirected requests that the OOR and other agencies receive every year.

The results of this review are mixed. Nearly all (91 percent) the agencies in the sample meet the basic requirement of posting information. However, just 50 percent provide all three of the required pieces of information.² All agencies across Pennsylvania should utilize the findings and recommendations of this report to review their RTKL webpage and post all of the legally required information. None of the requirements are complex; for example, providing contact information for the OOR is often a simple copy and paste on to any webpage.

¹ 65 P.S. §§ 67.101 et seq.

² An agency is not required to have regulations, policies, and procedures relating to the RTKL, but must provide them if they do exist.

METHODOLOGY

The OOR selected a sample of 135 agencies across Pennsylvania and reviewed what RTKL information each provides and the ease of finding that information on each agency's website. The sample includes Commonwealth agencies, counties, cities, townships, boroughs, school districts, charter schools, cyber charter schools, municipal authorities, police departments, community colleges, and PASSHE universities. The breakdown of the sample can be found in "Appendix A" below.

The OOR plans to conduct this review biannually and will continually work with both the public and agencies to ensure that agency webpages comply with all RTKL requirements. This will include continuing to communicate with agencies when alerted by the public that the RTKL information is incomplete or missing.

MEETING THE REQUIREMENTS

Section 504(b) of the RTKL requires that certain basic information be posted on an agency's website if one exists. Below is the verbatim language from the law with the compliance rate for those agencies in the sample that maintain a website.

<i>"Posting.--The following information shall be posted at each agency and, if the agency maintains an Internet website, on the agency's Internet website:"</i>	
Contact information for the open-records officer	96% comply
Contact information for the Office of Open Records or other applicable appeals officer	62% comply
A form which may be used to file a request	81% comply
Regulations, policies, and procedures of the agency relating to this act	59% comply

Just 50 percent of agencies provide contact information for the agency office records, contact information for the Office of Open Records, and a request form.

No RTKL request information existed for 28 agencies in the sample. This includes:

- Five agencies that do not operate a website;
- Eleven police departments that utilize the municipality's RTKL process; and
- Twelve agencies that operate a website but the OOR could not locate any RTKL information.

The OOR wrote to each of the 12 agencies with websites that did not provide RTKL information and requested a response by a certain deadline. Eight posted RTKL information to their websites; three said that they are in the process of updating their websites with the information; and one did not respond.³

³ La Academia Partnership Charter School (Lancaster County) did not respond to letters, emails, and phone calls.

ENHANCED RTKL REQUEST INFORMATION⁴

Many agencies go beyond the legal requirements and provide RTKL request information that simplifies the RTKL process and makes it easier for an inexperienced requester. This approach benefits the public as well as the agency by minimizing confusion and mistakes, saving time.

Overall, the agencies in the sample that maintain a website do a decent job making RTKL information prominent or easy to locate:

- 56% have a link to RTKL information on their homepage (on page or in drop-down menu);
- 75% have a website search bar which successfully produces RTKL info when searching for “Right to Know”; and
- 92% can use a search engine (ex. Google) to successfully locate RTKL page when searching agency name and “right to know”.

A majority of agencies provide multiple ways to contact their Agency Open Records Officer (AORO):

- 66% provide the AORO name;
- 84% provide an AORO email address (including 48% who utilize a resource account);
- 55% provide an AORO phone number;
- 86% provide an AORO mailing address;
- 63% provide an AORO fax number; and
- 23% provide all of the above.

Both the agency and the public are helped when frequently requested records and information items are posted to the agency webpage. This efficient and effective approach reduces RTKL requests, saving everyone time. In our sample, just 29 percent proactively provide these types of records on their webpage.

⁴ All the subsequent figures are among agencies that maintain a website.

BEST PRACTICES

An agency dedicated to transparency should use its website to provide comprehensive, accessible information on how to submit a RTKL request. Ideally, a first-time requester should need only a few minutes to locate all the information required to make their request.

Outlined below are best practices for RTKL webpages.

1. **Easy to locate.** Finding where RTKL information is located on a website should not be an arduous task. Appendix B provides screenshots of good examples. The RTKL request information should be:
 - Linked to a homepage, either in a bottom banner or in drop-down menu that is easily noticed and user-friendly, and
 - Searchable via search engine and via search function on website (if one exists) and easily found using common sense terms that apply to the RTKL process.
2. **Comprehensive information for AORO.** The name, phone number, email address, mailing address, and fax number should be displayed.
3. **A resource email account for the AORO.** Using a resource account, versus the AORO's unique email address, helps prevent missed statutory deadlines in the event that the AORO is out-of-office or leaves the agency.
4. **Printable and electronic request forms.** Scanners are not in all households; an agency should provide for electronic submission of RTKL request forms, as well as a printable version.
5. **Provide current contact information for the OOR with clear explanation of role and timeline of appeal.** Several agencies display outdated contact information for the OOR⁵; others display information in a way that may lead individuals to believe that initial RTKL requests should be submitted to the OOR. This is evidenced in part by the over 900 misdirected RTKL requests the OOR receives each year. Appendix C displays a good example of how to communicate the OOR's role in the RTKL process.

⁵ The OOR's current mailing address is 333 Market Street, 16th Floor, Harrisburg, PA 17101 and its current web address is www.openrecords.pa.gov

6. **Include links to frequently requested items.** This can be either the actual records, or if misdirected, suggest where to obtain those records. A good example can be found on the Community Academy of Philadelphia's website, <https://www.communityacademy.org/public-information>.
7. **Include regulations, policies, and procedures related to the RTKL.** If these exist, they should be included on the webpage.
8. **All police departments should include RTKL request info.** If the police department utilizes a local municipality's AORO, the police department's website (or webpage) should clearly explain that and include a link to that information.
9. **All the above should be provided on one webpage.** Each agency should have a centralized one-stop location for all RTKL request information. A good example of this is the Department of Labor and Industry, <https://www.dli.pa.gov/Pages/Right-to-Know-Law.aspx>.

In crafting this report, the OOR improved its own RTKL request webpage and implemented improvements to make it easier to use. The new webpage can be found <https://www.openrecords.pa.gov/RTKL/RequestForm.cfm>.

NEXT STEPS

In an effort to improve agencies' communication of RTKL information, the OOR created a simple, one-page sample webpage. The sample webpage is in Appendix D and is also available to download on our website at:

<https://www.openrecords.pa.gov/Documents//Appendix E-TransparencyTownship.docx>.

We encourage the public to utilize this sample to both compare it to the information their agency provides on its webpage as well as referring their agency to it so that all the information necessary to successfully file a RTKL request is readily available.

APPENDIX A

Sample Breakdown

Boroughs (12)

- Clearfield Borough
- Eldred Borough
- Jim Thorpe Borough
- Laceyville Borough
- Lewistown Borough
- Phoenixville Borough
- Ramey Borough
- Ridgway Borough
- Selinsgrove Borough
- Spartansburg Borough
- Swarthmore Borough
- West Liberty Borough

Charter Schools (6)

- Baden Academy Charter School
- Bear Creek Charter School
- Community Academy of Philadelphia Charter School
- Keystone Education Charter School
- La Academia Partnership Charter School
- York Academy Regional Charter School

Cities (10)

- Allentown City
- Connellsville City
- Easton City
- Lebanon City
- Monongahela City
- Philadelphia City
- Pittsburgh City
- Scranton City
- Sharon City
- Williamsport City

Community Colleges (3)

- Harrisburg Area Community College
- Northampton Area Community College
- Pennsylvania Highlands Community College

Counties (8)

- Beaver County
- Chester County
- Clinton County
- Lackawanna County
- Luzerne County
- Montgomery County
- Somerset County
- Venango County

Cyber Charter Schools (3)

- Chester Community Cyber Charter School
- Commonwealth Cyber Charter School
- Pennsylvania Cyber Charter School

Municipal Authorities (4)

- Area Transportation Authority of North Central Pennsylvania
- Meadville Area Water Authority
- Montgomery County Housing Authority
- Southeastern Pennsylvania Transportation Authority (SEPTA)

PA State System of Higher Education (3)

- Lock Haven University of Pennsylvania
- Mansfield University of Pennsylvania
- Shippensburg University of Pennsylvania

Police Departments (15)

- York City Police Department
- Danville Borough Police Department
- Erie Police Department
- Harrisburg Police Department
- Honesdale Police Department
- Huntingdon Borough Police Department
- New Castle Police Department
- Northern Lancaster Regional Police Department
- Philadelphia Police Department
- Pittsburgh Police Department
- Reading Police Department
- Ridley Township Police Department
- Southern Chester County Regional Police Department
- Spring Township Police Department
- Marion Township Police Department

School Districts (27)

- Altoona Area School District
- Bensalem Area School District
- Blue Mountain School District
- Cameron County School District
- Central Bucks School District
- Clarion Area School District
- Coatesville School District
- Delaware Valley School District
- Erie City School District
- Franklin Area School District
- Gettysburg Area School District
- Hazleton Area School District
- Highlands School District
- Morrisville Area School District
- Mercer Area School District
- Mountain View School District
- Old Forge School District
- Penns Manor Area School District
- Philadelphia School District
- Pittsburgh School District
- School District of Lancaster
- Shikellamy School District
- Somerset Area School District
- South Middleton Area School District
- State College Area School District
- Susquehanna Township School District
- Upper St. Clair School District

State Agencies (30)

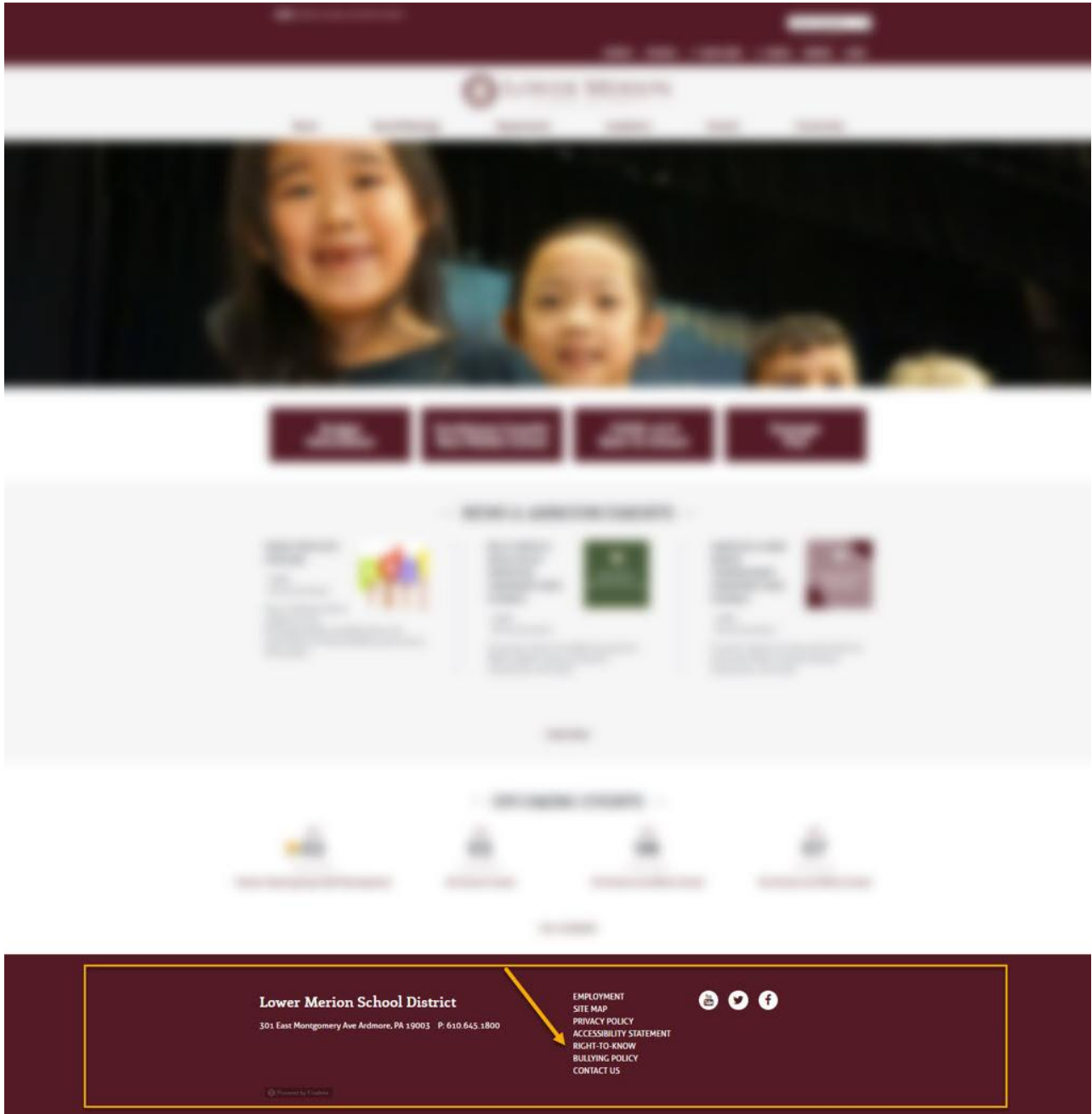
- PA Department of Aging
- PA Department of Agriculture
- PA Department of Banking
- PA Department of Corrections
- PA Department of Community and Economic Development
- PA Department of Drug and Alcohol Programs
- PA Department of Environmental Protection
- PA Department of General Services
- PA Department of Human Services
- PA Department of Military and Veterans Affairs
- PA Department of Health
- PA Department of State
- PA Fish and Boat Commission
- PA Game Commission
- PA Gaming Control Board
- PA Office of the Governor
- PA Independent Fiscal Office
- PA Department of Labor and Industry
- PA Office of Administration
- PA Office of the Budget
- PA State System of Higher Education
- PA Department of Education
- PA Emergency Management Agency
- PA Department of Transportation
- PA Higher Education Assistance Agency
- PA Liquor Control Board
- PA State Employees Retirement System
- PA State Police
- PA Department of Revenue
- PA School Employees Retirement System

Town and Townships (14)

- Bloomsburg Town
- Hickory Township
- Homer Township
- Juniata Township
- Kelly Township
- Lower Merion Township
- Monroe Township
- Oley Township
- Pocono Township
- Polk Township
- St. Clair Township
- Sugar Creek Township
- Troy Township
- Walker Township

APPENDIX B

Example of RTKL Info on Homepage Footer



Example of RTKL Info on Homepage Drop Down Menu

The screenshot shows the Clinton County Pennsylvania homepage. At the top right, there are links for Login, Jobs, RFP, Resources, and Contact Us. The main header features the Clinton County logo and the tagline "Where Rivers and Valleys meet Mountains and Sunsets", along with a "SERVICE FINDER" button. Below the header is a navigation bar with four tabs: "I WANT TO...", "GOVERNMENT", "ABOUT US", and "DEPARTMENTS". The "GOVERNMENT" tab is selected, and a dropdown menu is open, listing various services under four categories: Auditors, Commissioners, Coroner, and Court Services. The Court Services category includes County Courts, District Judges, Domestic Relations, Probation, and Victim & Witness. Other categories include District Attorney, Prothonotary, Register & Recorder, and Sheriff. Below the dropdown menu are five circular icons representing different services: COURT FORMS, COUNTY DIRECTORY, ONLINE MAPPING, PARTNERSHIP, and PUBLIC RECORDS. At the bottom of the page, there are three sections: FACEBOOK (showing Clinton County Government with 2.1K likes), NEWS (with a headline "County Partnerships Create Garden" and a sub-headline "Martin gives update on KC new school year"), and EVENTS (listing "Central Court" and "Criminal Court" on August 03 at 12:00 AM).

Clinton County PENNSYLVANIA | Where Rivers and Valleys meet Mountains and Sunsets

GOVERNMENT

- Auditors**
- Commissioners**
 - Meeting Schedules
 - Meeting Minutes
 - Preliminary/Final Budget
 - County Audit Reports
 - Right to Know
- Coroner**
 - Obtain Death Certificates
 - Documents and Forms
- Court Services**
 - County Courts
 - District Judges
 - Domestic Relations
 - Probation
 - Victim & Witness
- District Attorney**
 - Attorney Profile
 - CRIMEWATCH
- Prothonotary**
 - Passport Information
- Register & Recorder**
 - Genealogy
 - Marriage License
 - Military Discharges
 - Orphans Court
 - Register of Wills
 - Recorder of Deeds
- Sheriff**
 - Sheriff Sale Programs
 - Warrants
- Treasurer**
 - Bingo
 - Boat Registration and Titling
 - Dog License
 - Hunting License
 - Small Games of Chance
 - Sportsman Firearm Permit
 - Repository List Properties

COURT FORMS | COUNTY DIRECTORY | ONLINE MAPPING | PARTNERSHIP | PUBLIC RECORDS

FACEBOOK: Clinton County Government | Like Page | 2.1K likes

NEWS: County Partnerships Create Garden | Martin gives update on KC new school year

EVENTS: AUG 03 Central Court 12:00 AM | AUG Criminal Court 12:00 AM

APPENDIX C

Example of Explaining the Role of OOR



HOME GOVERNMENT DEPARTMENTS PUBLIC MEETINGS DOCUMENT CENTER NEWS COVID-19 ADA/JC

HOME > GOVERNMENT

How to File an Appeal

If an Agency denies a record, or a portion of a record, the requester has a right to [file an appeal with the Office of Open Records](#).

The appeal must be submitted to the Office of Open Records within 15 business days of the mailing date of the Agency's response. Appeals should be sent to the Office of Open Records, 333 Market Street, 16th Floor, Harrisburg, PA 17101-2234. They may also be submitted via facsimile to 717-425-5343 or via [email](#) as a Microsoft Word or PDF attachment.

All appeals must be in writing and shall include the following information that may be submitted using the [OOR's Appeal Form](#):

- A copy of the original Right-to-Know Request.
- A copy of the denial letter submitted by the Agency. (If the agency does not respond in writing within five business days, the request is "deemed denied" [i.e., automatically denied] and can be appealed.)
- State the grounds you believe the record is a public record – you must state why you believe the requested record is a public record – a general statement that the record is public under the Right-to-Know Law is insufficient.
- Address **all** grounds that the Agency raised in its denial – you must state why you believe each of the agency's denial, arguments, and exemptions are incorrect – a general statement that the agency is incorrect is insufficient.

The Office of Open Records is required to dismiss any appeal that does not include this information.

*NOTE: Appeals which are filed by hard copy (i.e., by mail) **MUST** be submitted on 8 ½ x 11 or 8 ½ x 14 inch paper. Failure to submit hard copy appeals on 8 ½ x 11 or 8 ½ x 14 inch paper will result in the appeal being DISMISSED, unless the party filing the document specifically seeks and is granted permission to file non-conforming papers. Any other documents filed in an appeal should be filed on 8 ½ x 11 or 8 ½ x 14 inch paper to the extent possible.*

When the Office of Open Records receives the appeal, it has 30 days from the date of receipt of the appeal to issue a Final Determination.

The Office of Open Records may conduct a hearing (which is a non-appealable decision) or an in camera review. It may decide the case on the basis of the information filed with the Office. It may seek additional information from the involved parties. In most cases, the Office of Open Records will issue a Final Determination based on information and evidence provided to our Office without conducting a hearing.

When the Office of Open Records issues a Final Determination it is binding on the Agency and requester. If the Agency or the requester wants to appeal the ruling of the Office of Open Records, the appeal must be filed with the appropriate court within 30 calendar days of the mailing of the Final Determination by the Office.

If the parties appeal a Final Determination to Commonwealth Court or a Court of Common Pleas, the Right-to-Know Law requires that the Office of Open Records be served notice of the appeal.

APPENDIX D

Prototype of Ideal RTKL Webpage

TRANSPARENCY TOWNSHIP



Home

Government

Services

Links

Contact

Right-to-Know Law

Requesting Transparency Township Records

Requests for records must be addressed to the Agency Open Records Officer and can be submitted by email, fax, mail, or in person. The request should be specific and not seek answers to questions. After filing a request, a response will be issued within 5 business days.

Transparency Township's Open Records Officer is:

Jane Smith,
Transparency Township
123 Main Street
Transparency, PA 17123
Phone: 123-555-6789
Fax: 123-555-6790

OpenRecords@TransparencyTwp.com

Important Documents:

[Right-to-Know Law Request Form](#)
[Right-to-Know Law Policy](#)
[Right-to-Know Law](#)

Commonly Requested Records:

[Audits](#)
[Contracts](#)
[Meeting Minutes](#)

Important Links:

[Office of Open Records' Website](#)
[Office of Open Records' Fee Schedule](#)

Filing an Appeal

When a request is denied or deemed denial, a requester may file an appeal to the Pennsylvania Office of Open Records. The appeal must be filed within 15 business days of the denial or deemed denial date. The appeal must also include the request, agency denial if one exists, address agency grounds that the request was denied, and state why you believe the records are public records. An appeals officer will determine if the record(s) is subject to public access.

An appeal may be filed to the Office of Open Records via its [Online Appeal Form](#), email, fax, or in person at:

Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
Phone: 717-346-9903
Fax: 717-425-5343
Email: openrecords@pa.gov

APPENDIX E

About the OOR

The Office of Open Records (OOR) was created in 2008 by passage of Pennsylvania's Right-to-Know Law (RTKL). The objective of the RTKL is to empower citizens by affording them access to information concerning the activities of their government.

As an independent quasi-judicial agency, the office is authorized to hear and decide appeals from requesters who have been denied access to records by state and local agencies. Since 2008, it has decided more than 25,000 appeals. The OOR provides formal training on the RTKL, as well as Pennsylvania's Sunshine Act. More information about the OOR can be found on its website, www.openrecords.pa.gov