

ERIE METROPOLITAN TRANSIT AUTHORITY

Public Records Policy

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ERIE METROPOLITAN TRANSIT AUTHORITY
Public Records Policy

I. PURPOSE AND SCOPE

1. Purpose and Scope

1.1 Purpose. The purpose of this Policy is to: (1) set forth the policies and procedures by which the Authority shall comply with the Right-to-Know Law (Act 3 of 2008); and (2) comply with the provisions of Section 504 of the Right-to-Know Law, regarding the issuance of a written policy for purposes of implementing the Right-to-Know Law.

1.2 Scope. This Policy applies to all Requests which may be made by any Requester for access to, or copies of, a Public Record.

II. DEFINITIONS

2. Definitions.

2.1 Generally. Unless the context clearly otherwise requires, terms used in this Policy shall have the meanings set forth in Sections 2.1.1 through 2.1.9, below.

2.1.1 Act. The term "Act" means the Right-to-Know Law, Act 3 of 2008.

2.1.2 Authority. The term "Authority" means the Erie Metropolitan Transit Authority.

2.1.3 Executive Director. The term "Executive Director" means the Executive Director of the Authority, or any individual duly authorized by the Authority to act in place of the Executive Director in the Executive Director's absence or in the case of a vacancy in the office of Executive Director.

2.1.4 Public Record.

2.1.4.1 Generally. Except as otherwise provided in Section 2.1.4.2, below, the term "Public Record" means any Record, including a financial record of the authority, that is not exempt from being disclosed under any Federal or State law or regulation or judicial order or decree, or is not protected by privilege.

2.1.4.2 Exceptions. As per § 708 of the Act, the term "Public Record" does not include categories and types of Records, as indicated in Schedule B.

2.1.5 Open Records Officer or ORO. The terms "Open Records Officer" and "ORO" mean an employee designated by the Executive Director to perform the duties of the ORO under this Policy.

2.1.6 Record. The term "Record" means information, regardless of physical form or characteristics, that documents a transaction or activity of any agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency. 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.

2.1.7 Request. The term "Request" means any request, whether verbal or written, by a Requester for access to, or a copy of, a Record.

2.1.8 Requester. The term "Requester" means any person who is a resident of the United States that requests a Record pursuant to the Act.

2.1.9 Response. The term "Response" means: (1) access to a Record; or (2) the Authority's written notice granting, denying, or partially granting and partially denying access to a Record.

2.2 Other Terms. Unless the context clearly otherwise requires or unless otherwise provided in Section 2.1, above, terms used in this Policy shall have the same meaning assigned to such terms in the Act.

III. ADMINISTRATION

3. Administration.

3.1 Designation of ORO. The Executive Director shall designate one or more employees of the Authority to act as ORO.

3.2 Duties of ORO. The duties of the ORO shall be to handle and process Requests in accordance with the terms of this Policy and the provisions of the Act.

3.3 Policy Dissemination. The ORO shall ensure that this Policy and request form are (1) conspicuously posted at the Authority, and (2) available on the Authority's website. The request form is found in Schedule C attached hereto as part of this Policy.

3.4 Address. Requests and all correspondence relating to Requests should be addressed to the Authority as follows:

Erie Metropolitan Transit Authority
127 East 14th Street
Erie, PA 16503

ATTN: Open Records Officer

IV. POLICY

4. Policy.

4.1 Access to Public Records.

4.1.1 Generally. It is the policy of the Authority to grant access to Public Records in accordance with the provisions of the Act and the terms of this Policy.

4.1.2 Redaction. Access to a Record shall not be denied solely because the Record contains, in part, information which is not subject to access under the Act. In such cases, the information which is not subject to access shall, if possible, be redacted, and the Requester shall be given access to the remainder. A redaction shall be considered a denial of access to the redacted portion of the Record in question for purposes of this Policy and the Act.

4.1.3 Intended Use. Access to a Public Record shall not be denied due to: (1) the Requester's purpose or motive in making the Request; or (2) the Requester's intended use of the Public Record in question. A Requester need not give any explanation for the making of a Request.

4.1.4 Creation of Public Record. Unless otherwise authorized by the Executive Director, the Authority shall not: (1) create and provide access to a Public Record which does not exist at the time that a Request for access to such a Record is made; or (2) compile, maintain, format, or organize a Public Record in a manner in which the authority does not compile, maintain, format, or organize the Public Record in question, at the time that a Request for access to such a Record is made.

4.2 Authority Discretion. The Executive Director, in his or her discretion, may make an otherwise exempt Record accessible for inspection and copying if all of the following apply:

- (1) Disclosure of the Record is not prohibited under any of the following:

- (i) Federal or State law or regulation.
- (ii) Judicial order or decree.
- (2) The Record is not protected by a privilege.
- (3) The agency head determines that the public interest favoring access outweighs any individual, agency or public interest that may favor restriction or access.

V. PROCEDURES

5. Procedures.

5.1 Receipt and Processing of Request. All Requests shall be forwarded to the ORO for processing in accordance with the terms of the Act and this Policy.

5.2 Verbal Requests.

5.2.1 Generally. The Authority understands that informal verbal Requests will, from time to time, be made by Requesters. Verbal Requests shall not be denied simply because they are verbal in nature. The ORO shall attempt to comply with verbal Requests to the extent that such Requests reasonably describe the Records to which the Requester seeks access. The ORO shall keep such records of compliance with verbal Requests as the ORO may deem appropriate under the circumstances.

5.2.2 Request for Written Request. The ORO shall request that a Requester put a verbal Request into writing if: (1) the verbal Request is unclear or lacks sufficient information to formulate a Response; (2) the verbal request is so extensive or complex as to make it difficult to determine what Records are being sought by the Requester; (3) the ORO determines that the Authority cannot comply with the verbal Request as made; or (4) the ORO determines that, given the nature, scope, complexity and/or other pertinent factors relating to the Request, it would be in

the best interests of the Authority that such Request be placed in writing. A request that a Requester place a Request in writing shall not be deemed a denial of access under this Policy. If appropriate under the circumstances, the ORO shall advise the Requester that no appeal rights may be exercised under this Policy by the Requester in the absence of a written Request, as per Section 702 of the Act.

5.3 Written Requests.

5.3.1 Form. A written Request may be submitted in person, by mail, by email, or by facsimile. A written Request shall be addressed in the manner specified in Section 3.4, above. A written Request must: (1) identify or describe the Records sought with sufficient specificity to enable the ORO to ascertain which Records are being requested; and (2) include the name and address to which the ORO should address the Authority's Response. The Request may include, but is not required to include, a facsimile number to which a Response may be sent by facsimile. A written Request need not include any explanation of the Requester's reason, purpose, or motive for making the Request, or disclose the Requester's intended use of the Records in question.

5.3.2 Defective Request. A written Request shall not be considered inadequate or defective if the inadequacy or defect is minor in nature or otherwise immaterial. If a written Request is materially defective because it fails to conform to the requirements in Section 5.3.1, above, the ORO shall notify the Requester of such defects in writing, and that the Request will not be processed until such defects are corrected. The Requester may then treat such notification as a denial of access, in which case the Requester may pursue the remedies provided in this Policy and the Act. Alternatively, the Requester may submit an amended Request remedying the

defects in question. In such case, the Requester's written Request shall be deemed to have been received by the Authority upon receipt of the amended written Request.

5.4 Processing of Requests.

5.4.1 Documentation. Verbal Requests shall be documented as and to the extent provided in Section 5.2.1, above. Written Requests shall be time-stamped or otherwise documented by the ORO so as to clearly indicate the date of receipt.

5.4.2 Determination of Response to Request. Upon receipt of a Request, the ORO shall promptly review the Request and determine whether: (1) access to the Records in question will be granted; (2) access to the Records in question will be denied; or (3) access to the Records in question will be granted in part and denied in part. Such determination shall be made in the form of a written Response, as specified in Sections 5.5 and 5.6, below.

5.5 Response.

5.5.1 Time for Sending Response.

5.5.1.1 General Rule. Except as otherwise provided in Section 5.5.1.2, below, the ORO shall send a written Response to the Requester within five (5) business days of receipt of the Request by the Authority.

5.5.1.2 Exceptions. The ORO may extend the time to send a Response to a Requester if the ORO determines that one or more of the following applies:

- a. the Request for access requires redaction;
- b. the Request for access requires production of a Record that is stored in a remote location;
- c. the Request for access cannot be accomplished due to *bona fide* and specified staffing limitations;

- d. legal review is necessary to determine if the Record in question is a Public Record subject to access;
- e. the person requesting access to a Record has not complied with the Authority's policies set forth herein;
- f. the requester refuses to pay applicable fees; or
- g. the extent or nature of the request precludes a response within the required time period.

In such case, the ORO shall send the Requester a written notice indicating that the time for sending a Response is being extended pursuant to Section 5.5.1.2 of this Policy and the provisions of § 902 of the Act. Such notice shall be sent within five (5) business days of receipt of the Request. Such notice shall: (1) indicate that the Request is being reviewed; (2) specify the reason for the review (*i.e.*, the grounds for extending the time for sending a Response, as set forth above); and (3) set forth a reasonable date by which a Response is expected to be provided. The time for sending a Response shall in no event be extended beyond thirty (30) calendar days after the fifth business day following receipt of the Request.

5.5.2 Transmission of Response. A Response shall be transmitted to a Requester by: (1) first class mail, postage pre-paid; and/or (2) facsimile transmission, if such form of transmission is requested by the Requester in the Request and a facsimile number is provided in the Request. A Response shall be deemed to have been sent upon its deposit in the United States mail and/or upon its transmission by facsimile.

5.6 Substance of Response.

5.6.1 Granting of Access. A Response granting access to the Records requested shall contain the following: (1) the date of the Response (*i.e.*, the date the Response is placed in the United States mail or the date that it is transmitted by facsimile); (2) a statement that access

has been approved; (3) a description of the Records for which access has been approved; (4) a description of how access will be effectuated; (5) a statement of the estimated amount of fees, if any, that will be charged the Requester; and (6) a description of the procedure by which the requester may appeal the Response if the Requester is dissatisfied therewith.

5.6.2 Denial of Access. A Response denying access to the Records requested shall contain the following: (1) the date of the Response, (*i.e.*, the date the Response is placed in the United States mail or the date that it is transmitted by facsimile); (2) a description of the Records requested; (3) a statement that access is being denied; (4) the specific reasons for the denial, including a citation of supporting legal authority; (5) the printed name, title, business address, business telephone number, and signature of the ORO; and (6) a description of the procedure by which the Requester may appeal the denial of access under this Policy and the Act.

5.6.3 Partial Access and Partial Denial. If a Response is a partial grant of access and a partial denial of access (including a redaction of information from a Record), the Response shall: (1) meet the requirements of Section 5.6.1, above, with respect to those Records for which access has been granted; and (2) meet the requirements of Section 5.6.2, above, with respect to those Records for which access has been denied.

5.7 Access.

5.7.1 Form of Access – Inspection.

5.7.1.1 Generally. The ORO shall provide access to the Records in question by permitting the Requester to inspect the Records. Unless otherwise permitted by the ORO, any such inspection shall meet the following requirements: (1) the inspection shall be made at the principal offices of the Authority; (2) the inspection shall occur during the normal business hours of the Authority; (3) the inspection shall be conducted in such a manner, and

subject to such conditions, as are reasonably necessary to assure that the Records will not be damaged, destroyed, altered, disorganized, or otherwise impaired; (4) the inspection shall be conducted at a time and in a manner which would not unduly disrupt the operations of the Authority; and (5) the inspection shall be subject to such other reasonable terms, conditions, and limitations as the ORO determines are reasonable under the circumstances and which are not otherwise inconsistent with the provisions of this Policy or the Act.

5.7.1.2 Duplication Following Inspection. Subject to the provisions of Section 7.5, below, regarding duplication fees, the Authority shall, upon the request of the Requester, duplicate and provide to the Requester copies of any Records made available to the Requester for inspection.

5.7.1.3 Copies in Lieu of Inspection. The ORO may, in lieu of permitting the inspection of Records as provided in Section 5.7.1.1 above, provide to the Requester copies of the Records requested by the Requester. In such case, no fees shall be charged the Requester for such copies.

5.7.2 Form of Access – Request by Requester for Copies. A Requester may request that, in lieu of inspection, the Authority provide access to the Public Records in question by furnishing copies of the Public Records to the Requester. Copies may be in the form of photocopies or, if applicable, electronic media. The ORO shall provide access to the Public Records in question in such manner, subject to the provisions of Section 7.5, below, regarding duplication fees.

5.7.3 Electronic Access. Unless otherwise provided by Law, a Record shall be provided in the medium, electronic or otherwise, requested if it exists in that medium; alternatively, it shall be provided in the medium in which it exists, as per Section 701 of the Act.

5.7.4 Time for Providing Access. Following the issuance of a Response granting access to a Record, the ORO shall provide access to such Record as soon as is reasonable and practicable under the circumstances.

5.8 Non-Public Record and Trade Secrets

5.8.1 Non-Public Record. If the Authority produces a Record that is not a Public Record, legislative record or financial record, the Authority shall notify any third party that provided the Record to the Authority, the person that is the subject of the Record and the requester.

5.8.2 Trade Secrets. The Authority shall notify a third party of a request for a Record if the third party provided the Record and included a written statement indicating that the Record contains a trade secret or confidential proprietary information. Such a written statement must be signed by a representative of the third party.

VI. APPEAL OF DENIAL OF ACCESS BY ORO

6. Appeal of Denial of Access by ORO.

6.1 Filing of Appeal. If a written Request for access is denied or deemed denied under the provisions of this Policy or the Act, the Requester may file an appeal to the denial with the Office of Open Records.

6.2 Time for Filing of Appeal. Exceptions to a denial or deemed denial of access shall be filed within fifteen (15) business days of the mailing date of the Response or within fifteen (15) business days of the deemed denial, as the case may be.

6.3 Form and Content of Appeals.

6.3.1 Writing. The appeal must be in writing. Verbal appeals will not be accepted.

6.3.2 Address. The appeal should be addressed as follows:

Commonwealth of Pennsylvania
Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17120

6.3.3 Content. The appeal shall address the following: (1) the ground upon which the requester asserts that the Record is a Public Record, legislative record or financial record and; (2) any grounds stated by the agency for delaying or denying the request.

6.4 Judicial Appeal. In the event that a Requester is dissatisfied with the decision issued by the Office of Open Records pursuant to the Act, the Requester may appeal such decision in accordance with the provisions of § 1301 of the Act to the County Court of Common Pleas.

VII. GENERAL PROVISIONS

7. General Provisions.

7.1 Computation of Time. When any period of time is referred to in this Policy, such period shall be so computed as to exclude the first and include the last day of such period. Whenever the last day of any such period shall fall on a Saturday or Sunday or on any day made a legal holiday by the laws of the Commonwealth or of the United States, such day shall be omitted from the computation.

7.2 Number. The singular shall include the plural and the plural the singular, as the context may require.

7.3 Delivery to the Authority.

7.3.1 Hand Delivery. Hand delivery of Requests, exceptions, and other correspondence relating to Requests may only be made to the office of the ORO at the principal office of the Authority at 127 East 14th Street, Erie, Pennsylvania. Hand delivery may not be accomplished by: (1) delivery to personnel of the Authority other than at the office of the ORO; or (2) delivery to other offices of the Authority.

7.3.2 Facsimile Transmission. Transmission by facsimile shall be made to the following telephone number: (814) 456-9032.

7.3.3 Time of Receipt. A document which is mailed, hand delivered, or transmitted by facsimile shall be deemed to have been received by the Authority upon actual receipt of the document by the Authority. The Authority shall not be responsible for the failure of the United States mail to timely deliver a document, or for the failure of facsimile equipment, power outages, or similar occurrences which may prevent or delay delivery by facsimile transmission.

7.4 Consistency with Act. This Policy is intended to implement the Act and shall be construed accordingly. If any provision of this Policy is inconsistent with the Act, the provisions of the Act shall prevail.

7.5 Fees.

7.5.1 Fee Schedule. Annex A shall set forth the Authority's fees for duplication, conversion of Records, and postage. Fees shall be derived from the schedule promulgated by the Commonwealth of Pennsylvania's Office of Open Records, which will establish fees for duplication which may be amended from time to time. No fee may be imposed for the

Authority's review of a Record to determine whether the Record is a Public Record subject to access in accordance with this Policy and the Act.

7.5.1.1 Other Fees. As indicated in Schedule A, the Authority may charge additional fees for providing access to specialized Records, including blue prints, facsimile, or microfiche Records if all of the following requirements are met: (1) the fees must reflect costs necessarily incurred by the Authority in complying with the Request; and (2) the fees must be reasonable.

7.5.1.2 Certification. The Authority may charge a fee for official certification of copies as specified in Schedule A, if the certification is requested by the Requester.

7.5.1.3 Waiver of Fees. The ORO may, in the ORO's discretion, waive (in whole or in part) the fees permitted under this Section 7.5, if the ORO determines that it is in the public interest to waive such fees as per Section 1307(f) of the Act.

7.5.2 Payment of Fees.

7.5.2.1 Generally. Fees shall be due and payable to the Authority at the time that access is made available to the Requester.

7.5.2.2 Pre-Payment. If the estimated fees for complying with the Requester's Request are in excess of One Hundred Dollars and 00/100 (\$100.00), the Authority may require that the Requester pre-pay the fees in question prior to making access to the Records available to the Requester.

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SCHEDULE A
FEE SCHEDULE

Section 1307 of the Act requires the Office of Open Records to establish a fee schedule for Commonwealth Agencies and Local Agencies, including the Authority.

The Office of Open Records established the following fee schedule in accordance with the Act, which the Authority hereby adopts.

Record Type	Fee
Copies: (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)	Between \$.10 per page to a maximum \$.25 per page.
Certification of a Record:	\$1 per record, not per page. Please note that certification fees do not include notarization fees.
Specialized documents : For example, but not limited to, blue prints, color copies, non-standard sized documents	Actual Cost
Facsimile/Microfiche/Other Media:	Actual Cost
Redaction Fee:	No Redaction Fee May be Imposed
Conversion to Paper:	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 for the record to be duplicated in the more expensive medium. (Sec. 1307(e)).
Postage Fees:	Fees for Postage May Not Exceed the Actual Cost of Mailing

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SCHEDULE B
EXEMPT RECORDS

The following are exempt from access by a requestor.

1. A record the disclosure of which:
 - (i) would result in the loss of Federal or State funds by an agency or the Commonwealth; or
 - (ii) would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual
2. A record maintained by an agency in connection with the military, homeland security, national defense, law enforcement or other public safety activity that if disclosed would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection activity or a record that is designated classified by an appropriate Federal or State Military authority.
3. A record, the disclosure of which creates a reasonable likelihood of endangering the safety or the physical security of a building, public utility, resource, infrastructure, facility or information storage system, which may include:
 - (i) documents or data relating to computer hardware, source files, software and system networks that could jeopardize computer security by exposing a vulnerability in preventing, protecting against, mitigating or responding to a terrorist act;
 - (ii) lists of infrastructure, resources and significant special events, including those defined by the Federal Government in the National Infrastructure Protections, which are deemed critical due to their nature and which result from risk analysis; threat assessments; consequences assessments; antiterrorism protective measures and plans; counterterrorism measures and plans; and security and response needs assessments; and
 - (iii) building plans or infrastructure records that expose or create vulnerability through disclosure of the location, configuration or security of critical systems, including public utility systems, structural elements, technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage and gas systems.

4. A record regarding computer hardware, software and networks, including administrative or technical records, which, if disclosed, would be reasonably likely to jeopardize computer security.
5. A record of an individual's medical, psychiatric or psychological history or disability status, including an evaluation, consultation, prescription, diagnosis or treatment; results of tests, including drug tests; enrollment in a health care program or program designed for participation by persons with disabilities, including vocation rehabilitation, workers' compensation and unemployment compensation; or related information that would disclose individually identifiable health information.
6.
 - (i) The following personal identification information:
 - (A) A record containing all or part of a person's Social Security number; driver's license number; personal financial information; home, cellular or personal telephone numbers; personal e-mail addresses; employee number or other confidential personal identification number.
 - (B) A spouse's name; marital status, beneficiary or dependent information.
 - (C) The home address of a law enforcement officer or judge.
 - (ii) Nothing in this paragraph shall preclude the release of the name, position, salary, actual compensation or other payments or expenses, employment contract, employment-related contract or agreement and length of service of a public official or an agency employee.
 - (iii) An agency may redact the name or other identifying information relating to an individual performing an undercover or covert law enforcement activity from a record.
7. The following records relating to an agency employee:
 - (i) A letter of reference or recommendation pertaining to the character or qualifications of an identifiable individual, unless it was prepared in relation to the appointment of an individual to fill a vacancy in an elected office or an appointed office requiring Senate confirmation.
 - (ii) A performance rating or review.
 - (iii) The result of a civil service or similar test administered by a Commonwealth agency, legislative agency or judicial agency. The result of

a civil service or similar test administered by a local agency shall not be disclosed if restricted by a collective bargaining agreement. Only test scores of individuals who obtained a passing score on a test administered by a local agency may be disclosed.

- (iv) The employment application of an individual who is not hired by the agency.
- (v) Workplace support services program information.
- (vi) Written criticisms of an employee.
- (vii) Grievance material, including documents related to discrimination or sexual harassment.
- (viii) Information regarding discipline, demotion or discharge contained in a personnel file. This subparagraph shall not apply to the final action of an agency that results in demotion or discharge.
- (ix) An academic transcript.

8.

- (i) A record pertaining to strategy or negotiations relating to labor relations or collective bargaining and related arbitration proceedings. This subparagraph shall not apply to a final or executed contract or agreement between the parties in a collective bargaining procedure.
- (ii) In the case of the arbitration of a dispute or grievance under a collectible bargaining agreement, an exhibit entered into evidence at any arbitration proceedings, a transcript of the arbitration or the opinion. This subparagraph shall not apply to the final award or order of the arbitrator in a dispute or grievance procedure.

9. The draft of a bill, resolution, regulation, statement of policy, management directive, ordinance or amendment thereto prepared by or for any agency

10.

- (i) A record that reflects:
 - (A) The internal, predecisional deliberations of an agency, its members, employees or officials or predecisional deliberations between agency members, employees or officials and members, employees or officials or another agency, including predecisional deliberations relating to a budget recommendation, legislative amendment, contemplated or proposed policy or course of action

or any research, memos or other documents used in the predecisional deliberations.

- (B) The strategy to be used to develop or achieve the successful adoption of a budget, legislative proposal or regulation.
 - (ii) Subparagraph (1)(A) shall apply to agencies subject to 65 Pa.C.S. Ch. 7 (relating to open meetings) in a manner consistent with 65 Pa.C.S. Ch. 7. A record which is not otherwise exempt from access under this act and which is presented to a quorum for deliberation in accordance with 65 Pa.C.S. Ch. 7 shall be a public record.
 - (iii) This paragraph shall not apply to a written or Internet application or other document that has been submitted to request Commonwealth funds.
 - (iv) This paragraph shall not apply to the results of public opinion surveys, polls, focus groups, marketing research or similar effort designed to measure public opinion.
11. A record that constitutes or reveals a trade secret or confidential proprietary information.
 12. Notes and working papers prepared by or for a public official or agency employee used solely for that official's or employee's own personal use, including telephone message slips, routing slips and other materials that do not have an official purpose.
 13. Records that would disclose the identity of an individual who lawfully makes a donation to an agency unless the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public official or employee of the agency, including lists of potential donors compiled by an agency to pursue donations, donor profile information or personal identifying information relating to a donor.
 14. Unpublished lecture notes, unpublished manuscripts, unpublished articles, creative works in progress, research-related material and scholarly correspondence of a community college or an institution of the State System of Higher Education or a faculty member, staff employee, guest speaker or student thereof.
 15.
 - (i) Academic transcripts.
 - (ii) Examinations, examination questions, scoring keys or answers to examinations. This subparagraph shall include licensing and other examinations relating to the qualifications of an individual and to examinations given in primary and secondary schools and institutions of higher education.

16. A record of an agency relating to or resulting in a criminal investigation, including:

- (i) Complaints of potential criminal conduct other than a private criminal complaint.
- (ii) Investigative materials, notes, correspondence, videos and reports.
- (iii) A record that includes the identity of a confidential source or the identity of a suspect who has not been charged with an offense to whom confidentiality has been promised.
- (iv) A record that includes information made confidential by law or court order.
- (v) Victim information, including any information that would jeopardize the safety of the victim.
- (vi) A record that, if disclosed, would do any of the following:
 - (A) Reveal the institution, progress or result of a criminal investigation, except the filing of criminal charges.
 - (B) Deprive a person of the right to a fair trial or an impartial adjudication.
 - (C) Impair the ability to locate a defendant or codefendant.
 - (D) Hinder an agency's ability to secure an arrest, prosecution or conviction.
 - (E) Endanger the life or physical safety of an individual.

This paragraph shall not apply to information contained in a police blotter as defined in 18 Pa.C.S. § 9102 (relating to definitions) and utilized or maintained by the Pennsylvania State Police, local, campus, transit or port authority police department or other law enforcement agency or in a traffic report except as provided under 75 Pa.C.S. § 3754(b)(relating to accident prevention investigations).

17. A record of an agency relating to a noncriminal investigation, including:

- (i) Complaints submitted to an agency.
- (ii) Investigative materials, notes, correspondence and reports.

- (iii) A record that includes the identity of a confidential source, including individuals subject to the act of December 12, 1986 (P.L. 1559, No. 169), known as the Whistleblower Law.
- (iv) A record that includes information made confidential by law.
- (v) Work papers underlying an audit.
- (vi) A record that, if disclosed, would do any of the following:
 - (A) Reveal the institution, progress or result of an agency investigation, except the imposition of a fine or civil penalty, the suspension, modification or revocation of a license, permit, registration, certification or similar authorization issued by an agency or an executed settlement agreement unless the agreement is determined to be confidential by a court.
 - (B) Deprive a person of the right to an impartial adjudication.
 - (C) Constitute an unwarranted invasion of privacy.
 - (D) Hinder an agency's ability to secure an administrative or civil sanction.
 - (E) Endanger the life or physical safety of an individual.

18.

- (i) Records or parts of records, except time response logs, pertaining to audio recordings, telephone or radio transmissions received by emergency dispatch personnel, including 911 recordings.
- (ii) This paragraphs shall not apply to a 911 recording, or a transcript of a 911 recording, if the agency or a court determines that the public interest in disclosure outweighs the interest in nondisclosure.

19. DNA and RNA records.

20. An autopsy record of a coroner or medical examiner and any audiotape of a postmortem examination or autopsy, or a copy, reproduction or facsimile of an autopsy report, a photograph, negative or print, including a photograph or videotape of the body or any portion of the body of a deceased person at the scene of death or in the course of a postmortem examination or autopsy taken or made by or caused to be taken or made by the coroner or medical examiner. This exception shall not limit the reporting of the name of the deceased individual and the cause and manner of death.

21.
 - (i) Draft minutes of any meeting of an agency until the next regularly scheduled meeting of the agency.
 - (ii) Minutes of an executive session and any record of discussions held in executive session.
22.
 - (i) The contents of real estate appraisals, engineering or feasibility estimates, environmental reviews, audits or evaluations made for or by an agency relative to the following:
 - (A) The leasing, acquiring or disposing of real property or an interest in real property.
 - (B) The purchase of public supplies or equipment included in the real estate transaction.
 - (C) Construction projects.
 - (ii) This paragraph shall not apply once the decision is made to proceed with the lease, acquisition or disposal of real property or an interest in real property or the purchase of public supply or construction project.
23. Library and archive circulation and order records of an identifiable individual or groups of individuals.
24. Library archived and museum materials, or valuable or rare book collections or documents contributed by gift, grant, bequest or devise, to the extent of any limitations imposed by the donor as a condition of the contribution.
25. A record identifying the location of an archeological site or an endangered or threatened plant or animal species if not already known to the general public.
26. A proposal pertaining to agency procurement or disposal of supplies, services or construction prior to the award of the contract or prior to the opening and rejection of all bids; financial information of a bidder or offeror requested in an invitation for bid or request for proposals to demonstrate the bidder's or offeror's economic capability; or the identity of members, notes and other records of agency proposal evaluation committees established under 62 Pa.C.S. § 513 (relating to competitive sealed proposals).
27. A record or information relating to a communication between an agency and its insurance carrier, administrative service organization or risk management office. This paragraph shall not apply to a contract with an insurance carrier, administrative

service organization or risk management office or to financial records relating to the provision of insurance.

28. A record or information:
 - (i) identifying an individual who applies for or receives social services; or
 - (ii) relating to the following:
 - (A) the type of social services received by an individual;
 - (B) an individual's application to receive social services, including a record or information related to an agency decision to grant, deny, reduce or restrict benefits, including a quasi-judicial decision of the agency and the identity of a caregiver or others who provide services to the individual; or
 - (C) eligibility to receive social services, including the individual's income, assets, physical or mental health, age, disability, family circumstances or record of abuse.
29. Correspondence between a person and a member of the General Assembly and records accompanying the correspondence which would identify a person that requests assistance or constituent services. This paragraph shall not apply to correspondence between a member of the General Assembly and a principal or lobbyist under 65 Pa.C.S. Ch.13A (relating to a lobbyist disclosure).
30. A record identifying the name, home address or date of birth of a child 17 years of age or younger.

**ERIE METROPOLITAN TRANSIT AUTHORITY
Public Records Policy**

**SCHEDULE C
REQUEST FORM**

DATE REQUESTED:

REQUEST SUBMITTED BY: E-MAIL U.S. MAIL FAX IN-PERSON

NAME OF REQUESTOR: _____

STREET ADDRESS: _____

CITY/STATE/COUNTY (Required): _____

TELEPHONE (Optional): _____

RECORDS REQUESTED:

**Provide as much specific detail as possible so the Erie Metropolitan Transit Authority can identify the information.*

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

RIGHT-TO-KNOW OFFICER:

DATE RECEIVED BY THE AGENCY:

AGENCY FIVE (5)-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.)*