

Procedure Under Act 100 of 2002
Open Records Law
Request to Lilly Borough for Access to Public Records

1. REQUEST

A. Name _____

B. Address: _____

C. City, State, Zip _____

D. Telephone _____

E. Identify or describe the records sought with sufficient specificity to enable the Borough to ascertain which records are being sought:

(Attached additional sheets, if necessary)

F. Date of written request: _____

Signature of Requester

II. ACKNOWLEDGEMENT OF BOROUGH

On behalf of Lilly Borough _____, hereby acknowledges receipt of the request for public records on _____ day of _____, at _____.

Claudine Falger (Borough Secretary)

III. INITIAL DETERMINATION

Upon review of the request for access to public records, it has been determined that (check all responses that apply).

- _____ 1. The request for access required redaction of a public record.
- _____ 2. The request for access required the retrieval of a record stored in a remote location.
- _____ 3. A timely response to the request for access cannot be accomplished due to staffing limitations in that the office staff is on vacation and/or sick leave.
- _____ 4. A legal review is necessary to determine whether the record is a public record subject to access.
- _____ 5. The request has not complied with the Borough's policy regarding access to public records.
- _____ 6. The requester refuses to pay the applicable fees.
- _____ 7. The records are public records and copies can be supplied within five (5) days of request.

Written notice to requester stating that request for access is being reviewed and the reason for the review and expected date of response by the Borough (not to exceed 35 days from the date of the request) was sent on the _____ day of _____.

(Claudine Falger, Borough Secretary)

IV. RESPONSE OF BOROUGH

1. Request granted: Copies or certified copies upon payment of the applicable fees are being provided of the following documents as per your request:

(Attach additional sheets, if necessary)

Amount of fee paid \$_____ Receipt #_____

2. Request denied: Your request for copies of records is denied for the following reason(s): Specify reason(s) as regard each record including a citation of supporting legal authority.

(Attach additional sheets, if necessary)

This request is denied based upon the Authority of:

(Print Name)

(Signature)

(Business Address)

(Business Phone)

(Date of Denial)

V. FILING OF EXCEPTIONS (APPEAL OF DENIAL FOR COPIES OF RECORDS)

If your request for access to records is denied, or deemed denied (failure of Borough to timely respond), you may:

1. File exception with the Borough Council President within 15 days of the deemed denial (failure of the Borough to timely respond). In your written appeal, the exceptions must state the ground(s) stated by the Borough for delaying or denying your request. Unless you agree, in writing, to a later date, the Borough Council President, or his or her designee, shall make the final determination regarding your exceptions within thirty (30) days of the mailing of the exceptions. During that period of time, the Borough Council President or his/her designee, may conduct a hearing. If the Borough Council President, or his/her designee, determines that the Borough correctly denied the request for access, the Borough Council President, or his/her designee, must provide a written explanation of the reason(s) for denial. That determination shall be the final order of the Borough.
2. Within thirty (30) days of the denial by the Borough for access to records, as explained in V.2 above, or of the mailing date of the final order as explained in V.1 above, you may:
 - A. File a petition for review or other document as may be required
By the Rules of the Court to the Court of Common Pleas of Cambria County
Courthouse, Ebensburg, Pennsylvania 15931 or:
 - B. Bring an action in the magisterial district in which Lilly Borough
is located.

If you file an appeal pursuant to 2A or 2B above, you must provide written notice of your appeal to Lilly Borough, 417 Cleveland Street, Lilly, PA 15938.

Lilly Borough
417 Cleveland Street
Lilly, PA 15938
814-886-7227

Date: _____

Requester: _____

Address: _____

City, State, Zip: _____

Dear _____:

Lilly Borough is in receipt of your request for access to public records pursuant to Act 100 of 2002, as of September 7th, 2004. The Borough is not able to provide the information to you within the five (5) days set forth in Act 100 of 2002 for the reason(s) checked below:

- _____ 1. The request for access required redaction of a public record.
- _____ 2. The request for access required the retrieval of a record stored in a remote location.
- _____ 3. A timely response to the request for access cannot be accomplished due to staffing limitations in that the office staff is on vacation and/or sick leave.
- _____ 4. A legal review is necessary to determine whether the record is a public record subject to access.
- _____ 5. The request has not complied with the Borough's policy regarding access to public records.
- _____ 6. The requester refuses to pay the applicable fees.

It is anticipated that the Borough will be able to respond to your request, to the extent provided by law, by _____. On behalf of the Borough, I thank you for your cooperation.

Very truly yours,

Claudine Falger
Borough Secretary