



P. O. BOX 76

SHIPPINGPORT, PA 15077

(724) 643-4333

FAX (724) 643-6183

### OPEN RECORDS ACT POLICY

- (1) Officer: The Borough Secretary
- (2) Current Holder of Position: William N. Green
- (3) Address: Shippingport Borough  
P.O. Box 76  
Shippingport, Pa. 15077
- (4) Phone No: 724-643-4333
- (5) email address: [shippingport@comcast.net](mailto:shippingport@comcast.net)

William N. Green  
Borough Secretary



# pennsylvania

OFFICE OF OPEN RECORDS

## STANDARD RIGHT-TO-KNOW 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 agency 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

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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.)*

Resolution No: 287

**A RESOLUTION OF THE BOROUGH OF  
SHIPPINGPORT ADOPTING A RIGHT-TO-  
KNOW POLICY FOR PUBLIC RECORDS  
REQUESTS MADE PURSUANT TO THE  
RIGHT-TO-KNOW ACT**

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**Section I. Introduction:**

The Borough of Shippingport (Borough) is a body corporate and politic, duly organized under the Borough Code. As such, the Borough is a local agency for purposes of the Pennsylvania Right-to-Know Act, (Act 3 of 2008).

All local agencies, including the Borough are required to provide public records in accordance with the Right-to-Know Act. Therefore, any record in the possession of the Borough shall be presumed to be a public record, except as set forth in Sections II & VIII.

**Section II. Exceptions – Granting/Denying Requests:**

A. A record in the possession of the Borough shall not be considered a public record whenever:

- (1) The record is exempt under the Right-to-Know Act (the list of records exempt from access by a requester is set forth in Section VIII hereof)
- (2) The record is protected by the attorney-work product doctrine, the attorney-client privilege, or other privilege recognized by a court interpreting the laws of the Commonwealth of Pennsylvania; or
- (3) The record is exempt from disclosure under any other federal or state law or regulation, or judicial order or decree.
- (4) A request is disruptive:

(i) The Borough may deny a requester access to a record if the requester has made repeated requests for that same record and the repeated requests have placed an unreasonable burden on the Borough.

(ii) A denial under this subsection shall not restrict the ability to request a different record.

(5) Disaster or potential damage:

(i) The Borough may deny a requester access:

(a) when timely access is not possible due to fire, flood or other disaster; or

(b) to historical, ancient or rare documents, records, archives and manuscripts when access may, in the professional judgment of the curator or custodian of the records, cause physical damage or irreparable harm to the record.

(ii) To the extent possible, the contents of a record under this subsection shall be made accessible to a requester even when the record is physically unavailable.

(6) The Borough exercises its discretion to make any otherwise exempt record accessible for inspection and copying under this chapter, if all of the following apply.

(i) Disclosure of the record is not prohibited under any of the following:

(a) Federal or State law or regulation

(b) Judicial order or decree

(ii) The record is not protected by a privilege.

(iii) The Borough determines that the public interest favoring access outweighs any individual, agency or public interest that may favor restriction of access.

(7) (i) A public record that is not in the possession of the Borough but is in the possession of a party with whom the Borough has contracted to perform a governmental function on behalf of the Borough, and which directly relates to the governmental function and is not exempt under this act, shall be considered a public record of the Borough for purposes of this policy. Nothing in this policy shall be construed to require access to any other record of the party in possession of the public record.

(ii) A request for a public record in possession of a party other than the Borough shall be submitted to the open records officer of the Borough. Upon a determination that the record is subject to access under the Act, the open records officer shall assess the duplication fee established under section 1307 (b) of the Act and upon collection shall remit the fee to the party in possession of the record if the party duplicated the record.

**Section III. Access and Procedure:**

For purposes of this policy “Records” and “Public Records” shall be defined the same as set forth in the Right-to-Know Act

- A. Records are broadly defined under the Right-to-Know Act. 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.
- B. Requests for public records can be made by and person who is a legal resident of the United States, including resident aliens. Requests to the Borough can also be made by other local agencies, Commonwealth agencies (e.g., the Department of the Auditor General or the Treasury Department), judicial agencies (i.e., the courts), or legislative agencies (e.g., the Senate and House of Representatives).
- C. Requesters may make oral requests for access to records. However, if the requester wishes to pursue the relief and remedies provided for in the Right-to-Know Act, the request for access to records must be a written request.

- D. The Borough has designated the Borough Secretary, to act as the Open-Records Officer (“Officer”). The Officer’s contact information is set forth below:

Attn: Borough Secretary  
Borough of Shippingport  
P.O. Box 76  
Shippingport, PA 15077  
Phone No: 724-643-4333

- E. All written requests must be addressed to the Officer, and all such requests must be submitted in person, by U.S. mail facsimile, email or any other electronic means approved by the Borough. A form which may be used to file a request is or will be available at the Borough offices and is posted on the Borough’s Internet website [www.shippingportpa.com](http://www.shippingportpa.com).
- F. Written requests should identify or describe the records sought with sufficient specificity to enable the Borough to ascertain which records are being requested. Unless otherwise required by law, a written request need not include any explanation of the requester’s reason for requesting the records or the intended use of such records.
- G. Prior to granting a request for access in accordance with the Right-to-Know Act, the Borough may require a requester to prepay an estimate of the fees authorized by law if the fees required to fulfill the request are expected to exceed \$100.00. The fees must be reasonable and based on prevailing fees for comparable duplication services provided by local business entities.

- H. Except as otherwise provided by statute, no other fees may be imposed unless the Borough necessarily incurs costs for complying with the request, and such fees must be reasonable.
- I. 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. In other words, the Borough shall not be required to create a record which does not currently exist or to otherwise compile, maintain, format or organize a record in a manner in which it does not currently compile, maintain, format or organize such record.
- J. Upon receipt of a written request for a public record, the Officer shall do the following:
  - (1) note the date of the receipt on the written request;
  - (2) Compute the day on which the five day period (see discussion of response, below) will expire, and make a notation of that date on the written request; and
  - (3) Create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications relating to the request.

**Section IV. Borough's Response:**

- A. Upon receipt of a written request for access to a record, the Borough shall make a good faith effort to determine if the record requested is a public record and whether the Borough has possession, custody or control of the identified record. When doing so, the Borough will respond as promptly as possible under the circumstances existing at the time of the request. **Under the Right-to-Know Act, the Borough must send a response within five**

**(5) business days of receipt of the written request for access, or else the written request shall be denied.** For purposes of this policy, a business day is any Monday, Tuesday, Wednesday, Thursday or Friday, except those days when the Borough's Office is closed for all or part of the day due to a state holiday.

B. Upon receipt of a written request for access, the Officer shall determine if one of the following applies:

(1) The request for access requires redaction of a record in accordance with the Right-to-Know Act.

(2) The request for access requires the retrieval of a record stored in a remote location.

(3) A timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations.

(4) A legal review is necessary to determine whether the record is a record subject to access under the Right-to-Know Act.

(5) The requester has not complied with the Borough's policies regarding access to records;

(6) The requester refuses to pay applicable fees authorized by the Right-to-Know Act.

(7) The extent or nature of the request precludes a response within the required time period of five (5) business days.

C. Upon a determination that one of the factors listed above applies, the Officer shall send written notice to the requester within five (5) business days of receipt of the

request for access. The notice shall include a statement notifying the requester that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided and an estimate of applicable fees owed when the record becomes available. Information which the Borough redacts in accordance with the Right-to-Know Act shall be deemed a denial.

- D. If the date that a response is expected to be provided is in excess of thirty (30) days, following the five (5) business days allowed for above, the request for access shall be deemed denied unless the requester has agreed in writing to an extension to the date specified in the notice. If the requester agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice if the Borough has not provided a response by that date.
- E. For purposes of this policy, the “mailing date” shall be the date affixed to a: (1) response from the Officer to a request, which is to be the date the response is deposited in the U.S. Mail; (2) final determination from the Officer, which is to be the date the final determination is deposited in the U.S. Mail.
- F. Production of certain records:
  - (1) General Rule: If, in response to a request, the Borough produces a record that is not a public record, legislative record or financial record, the Borough shall notify any third party that provided the record to the Borough, the person that is the subject of the record and the requester.
  - (2) Requests for trade secrets: The Borough 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 (5) business days of receipt of the request for the record. The third party shall have five (5) business days from receipt of notification from the Borough to provide input on the release of the record. The Borough shall deny the request for the record or release the record within ten (10) business days of the provision of notice to the third party and shall notify the third party of the decision.

(3) Transcripts:

(i) Prior to an adjudication becoming final, binding and nonappealable, a transcript of an administrative proceeding shall be provided to a requester by the Borough stenographer or a court reporter, in accordance with Borough procedure or an applicable contract.

(ii) Following an adjudication becoming final, binding and nonappealable, a transcript of an administrative proceeding shall be provided to a requester in accordance with the duplication rates established in this policy.

G. Procedure for Denial:

If the Borough's response is a denial of a written request for access, whether in whole or in part, the denial shall be issued in writing and shall include:

- (1) A description of the record requested.
- (2) The specific reason(s) for the denial, including a citation of supporting legal authority.

- (3) 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.
- (4) Date of the response.
- (5) The procedure to appeal the denial of access under this act.

**Section V. Appeal of Borough's Determination:**

If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the Office of Open Records within fifteen (15) business days of the mailing date of the Borough's response or within fifteen (15) business days of a deemed denial. The Office of Open Records has established a internet website with information relating to the Right-to-Know Act, including information on fees, advisory opinions and decisions, plus the name and address of all Open-Records Officers in the Commonwealth of Pennsylvania. For information on the Office of Open Records, any interested person may access the web by going to the [openrecords.state.pa.us](http://openrecords.state.pa.us). Among other matters, the Office of Open Records shall establish fees for duplication by photocopying, printing from electronic media or microfilm, copying onto electronic media, and other means of duplication.

**Section VI. Retention of Records:**

The Borough publicly declares its intention to follow the Municipal Records Act, 53 Pa. C.S.A. § 1381 et seq., with respect to the retention and disposition of public records. Nothing in the Right-to-Know Act shall be construed to modify, rescind or supercede the Borough's lawfully adopted record retention and disposition policy. Moreover, nothing in the Right-to-Know Act shall be construed to require access to any computer of the Borough, or that of an individual or employee of the Borough.

**Section VII. Fee Limitations:**

A. Postage:

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

B. Duplication:

- (1) 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 as established by the Office of Open Records.
- (2) The fees must be reasonable and based on prevailing fees for comparable duplication services provided by local business entities and may reflect regional price differences.
- (3) The following apply to complex and extensive data sets, including geographic information systems or integrated property assessment lists.
  - (i) Fees for copying may be based on the reasonable market value of the same or closely related data sets.
  - (ii) Subparagraph (i) shall not apply to:
    - (a) a request by an individual employed by or connected with a newspapers or magazine of general circulation, weekly publication, press association or radio or television station, for the purpose of obtaining information for publication or broadcast; or
    - (b) a request by a nonprofit organization for the conduct of educational research.

(iii) Information obtained under subparagraph (ii) shall be subject to paragraph 1, 2 and 3.

C. Certification:

The Borough may impose a reasonable fee for official certification of copies if the certification is at the behest of the requester and for the purposes of legally verifying the public record, said fee is set at \$25.00.

D. 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 as provided by subsection (B) unless the requester specifically requests for the record to be duplicated in the more expensive medium.

E. Enhanced Electronic Access:

Should the Borough offer enhanced electronic access to records in addition to making the records accessible for inspection and duplication by a requester as required by this policy, the Borough may establish user fees specifically for the provision of the enhanced electronic access, but only to the extent that the enhanced electronic access is in addition to making the records accessible for inspection and duplication by a requester as required by this policy. The user fees for enhanced electronic access may be a flat rate, a fee based on the cumulative time of system access or any other reasonable method and any combination thereof. The user fees for enhanced electronic access must be reasonable, must be approved by the Office of Open Records and may not be

established with the intent or effect of excluding persons from access to records or duplicates thereof or of creating profit for the Borough.

F. Waiver of Fees:

The Borough may waive the fees for duplication of a record, including, but not limited to, when:

- (1) the requester duplicates the record; or
- (2) the Borough deems it is in the public interest to do so.

G. Limitations:

Except as otherwise provided by statute, no other fees may be imposed unless the Borough necessarily incurs costs for complying with the request, and such fees must be reasonable. No fee may be imposed for the Borough's review of a record to determine whether the record is a public record, legislative record or financial record subject to access in accordance with this policy.

H. Prepayment:

Prior to granting a request for access in accordance with this policy, the Borough 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 \$100.00.

**Section VIII. Exceptions:**

A. Except as provided in subsections C & B, the following are exempt from access by a requester under this policy:

- (1) A record disclosure of which:
  - (i) would result in the loss of Federal or State funds by the Borough;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 the Borough 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, 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 programs designed for participation by persons with disabilities, including vocational 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(s).
    - (b) A spouse's name; marital status; beneficiary or dependant information.
    - (c) The home address of a law enforcement officer or judge.
  - (ii) Nothing in this paragraph (6) 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 a Borough employee.
  - (iii) The Borough 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 a Borough employee:
  - (i) A letter of reference or recommendation pertaining to the character or qualification 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 the Borough 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 the Borough may be disclosed.
  - (iv) The employment application of an individual who is not hired by the Borough.
  - (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 personal file. This subparagraph shall not apply to the final action of the Borough 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 collective bargaining agreement, an exhibit entered into evidence at an arbitration proceeding, 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 resolution, regulation, statement of policy, or management directive, ordinance or amendment, prepared by or for the Borough.
- (10) (i) A record that reflects:
- (a) The internal, predecisional deliberations of the Borough, its members, employees, or officials or predecisional deliberations between

Borough members, employees or officials and members, employees or officials of another agency, including predecisional deliberations relating to a budget recommendation, legislative proposal, 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, proposal or regulations.

(ii) Subparagraph (i)(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 the 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 Borough employee used solely for that official's 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 the Borough unless the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public official or employee of the Borough, including lists of potential donors compiled by the Borough 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 materials 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 qualification of an individual and to examinations given in primary and secondary schools and institutions of higher education.
- (16) A record of the Borough 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, 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 the Borough relating to a noncriminal investigation, including:
  - (i) Complaints submitted to the Borough.
  - (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.I. 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 the Borough 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 the Borough 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 the Borough'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 paragraph shall not apply to a 911 recording, or a transcript of a 911 recording, if the Borough or a court determines that the public interest in disclosure outweighs the interest in nondisclosure.
- (19) DNA and RNA results.

- (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 the Borough until the next regularly scheduled meeting of the Borough.
- (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 the Borough 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 archeologist site or an endangered or threatened plant or animal species if not already known to the general public.

- (26) A proposal pertaining to the Borough's 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 the Borough 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 the Borough 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 request 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 lobbyist disclosure).

(30) A record identifying the name, home address or date of birth of a child 17 years of age or younger.

B. Financial Records:

The exceptions set forth in subsection A shall not apply to financial records, except that the Borough may redact that portion of a financial record protected under subsection A (1), (2), (3), (4), (5), (6), (16) OR (17). The Borough shall not disclose the identity of an individual performing an undercover or covert law enforcement activity.

C. Aggregated Data:

The exceptions set forth in subsection A shall not apply to aggregated data maintained or received by the Borough, except for data protected under subsection A (1), (2), (3), (4) or (5).

D.) Construction:

In determining whether a record is exempt from access under this section, the Borough shall consider and apply each exemption separately.

**Section IX. Effective Date:**

The policy adopted by this Resolution shall become effective immediately upon adoption hereof and shall remain in effect unless or until modified or changed by further Resolution of the Borough.

RESOLVED and ADOPTED this 9<sup>th</sup> day of DECEMBER, 2008.

SEAL

Borough of Shippingport

Attest: William J. Green  
Borough Secretary

By: [Signature]  
President

Approved as to legal form:

[Signature]  
Solicitor