



**Lehigh and Northampton Transportation Authority
Right to Know Policy**

July 2024

REVISION SUMMARY

PREVIOUS VERSION NO.	N/A	PREVIOUS VERSION DATE	N/A
CURRENT VERSION NO.	2.00	CURRENT VERSION DATE	07/05/2024
EFFECTIVE DATE	07/05/2024	REVIEW DATE	06/05/2027

REVISION HISTORY

Rev.#	Description of Change	Author / Approval	Signature
1.00	Released	Approval. Owen O'Neil	N/A
2.00	Modified Section 1.B.iii. Modified Section 3.1	Approval. Owen O'Neil	N/A



**Lehigh and Northampton Transportation Authority
Right to Know Policy**

July 2024

Section 1. Open Records Officer

1. The LANTA Board of Directors has established the job description of the Executive Director which identifies acting as LANTA's Open Records Officer as a responsibility of the Executive Director. This Officer shall be responsible for processing, recording, tracking and otherwise administering all portions of this Policy, as well as any policies that may provide procedures for the retention of documents and the destruction of Documents of LANTA.
2. LANTA shall note the identity and manner of communication to the Open Records Officer on its website and post said information at a conspicuous location at LANTA's main administrative office.
3. In the event an Open Records request is submitted to an employee other than the Open Records Officer, that person must immediately provide the request to the Open Records Officer. All employees should refrain from accepting Open Records Requests and direct all such requests to the Open Records Officer.
4. Duties of the Open Records Officer:
 - A. The Open Records Officer shall receive requests submitted to LANTA under this act, direct requests to other appropriate persons within LANTA or to appropriate persons in another agency, track LANTA's progress in responding to requests and issues interim and final responses under the Pennsylvania Right to Know Act (the "Act").
 - B. Upon receiving a request for a public record, legislative record or financial record, the Open Records Officer shall do all of the following:
 - i. Note the date of receipt on the written request.
 - ii. Compute the day on which the five-day period under section 901 will expire and make a notation of that date on the written request.
 - iii. Maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been fulfilled. All requests, whether granted or denied, shall be maintained for a period of

two (2) years in accordance with the Municipal Records Manual as published by the Pennsylvania Historical and Museum Commission, or until any appeal or litigation is adjudicated.

- iv. 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. This subparagraph shall only apply to Commonwealth agencies.

Section 2. Public Records

1. Public Records as defined by the Act shall be provided to any legal resident of the United States, unless otherwise exempted pursuant to the Act.
2. A record shall be defined as a "Public Record" as follows:
A record including a financial record, of a Commonwealth or local agency that:
 - A. is not exempt under Section 708 of the Act.
 - B. is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or
 - C. is not protected by a privilege.
3. LANTA shall not provide records that are exempted from public disclosure pursuant to Section 708(b) of the Act, regardless of whether a person or entity provides a release for such information.
4. Pursuant to Section 708(b), draft meeting minutes of the Board of Directors shall be provided to Board Members, the Executive Director, and the Solicitor to review. Such a dissemination of draft minutes for review for purposes of subsequent approval shall not constitute a waiver of the exemption concerning meeting minutes.
5. Regardless of the exemptions set forth in Section 708(b), LANTA shall not provide documents or records that are privileged or protected by Federal or State Law or by any court order. In the event the Open Records Officer cannot determine the nature of a document with regard to privileged or other exemption, the Open Records Officer is authorized to seek guidance from legal counsel with regard to the same.
6. LANTA shall individually evaluate all exemptions and apply each exemption separately for purposes of determining what documents shall be provided pursuant to the Act.
7. For purposes of this policy, LANTA shall maintain records pursuant to the time frames established pursuant to the Record Retention and Destruction Policy.

Section 3. Procedure for Requesting Records

1. All requests for documents must be a written request submitted on a form as established by LANTA. Verbal requests shall not be considered official requests for purposes of the timeframes established by the Act. For the purposes of defining a "written request" LANTA shall accept requests through an online form, facsimile, mail or in person pursuant to the regulations outlined herein. For the purposes of defining a "requestor", LANTA will accept requests listing an individual or entity along with a U.S. mailing address. Anonymous requests will not be considered valid.
2. All requests must be submitted to the Open Records Officer. In no event shall a request be considered officially submitted until received by the Open Records Officer.
3. Upon receipt of a written request for a public record, the Open Records Officer shall make a diligent attempt to determine whether such a request involves a public record and whether LANTA is in possession of the subject record.
4. LANTA shall not be required to create a record which does not currently exist or compile, maintain format or organize a record in a manner not maintained as of the date of the request.
5. LANTA shall follow the Act procedures for redaction when appropriate.

Section 4. Extension of Time

1. LANTA shall respond to all requests within five business days. In instances of a request requiring a thirty-day extension as provided under Section 902(a)(7) of the Act, or any other circumstances noted in Section 902 relating to an extension of time, LANTA shall advise the requester within five (5) days of the need for additional time. Additional time may be necessary when any of the following factors apply:
 - A. Determination. Upon receipt of a written request for access, the Open Records Officer for LANTA shall determine if one of the following applies:
 - i. the request for access requires redaction of a record in accordance with section 706;
 - ii. the request for access requires the retrieval of a record stored in a remote location;
 - iii. a timely response to the request for access cannot be accomplished due to bona fide and specific staffing limitations;
 - iv. a legal review is necessary to determine whether the record is a record subject to access under this act;

- v. the requester has not complied with LANTA's policies regarding access to records;
- vi. the extent or nature of the request precludes a response within the required time period.

B. When an extension of time is necessary under the factors set forth above the Open Records Officer shall provide the following information:

- i. 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 owed when the record becomes available. If the date that a response is expected to be provided is in excess of 30 days, following the five business days allowed for in section 901, 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.
- ii. If the requester agrees to the extension of a date beyond 30 days, the request shall be deemed denied on the day following the date specified in the notice if LANTA has not provided a response by that date.

Section 5. LANTA Discretion

LANTA may exercise its discretion to make an otherwise exempt record accessible for inspection and copying as set forth in the Act, if all of the following conditions apply: disclosure of the record is not prohibited by state or Federal Law or regulation or judicial order or decree; the record is not protected by a privilege; the Executive Director determines that the public interest favoring access outweighs any individual agency or public interest that may favor restriction of access.

Section 6. Fees for Records Requests

1. LANTA shall adopt the fees as established by the Pennsylvania Office of Open Records and shall revise said fee schedule as the Pennsylvania Office of Open Records provides updates or additional information.
2. In the event that a fee for the processing a request shall exceed or is reasonably believed to exceed \$100.00, LANTA shall require a pre- payment of \$100.00 in order to process said request.

Section 7. Denial of Access

In an event that LANTA seeks to deny a request for information, in whole or in part, the denial shall be in writing and set forth the following information:

1. A description of the request;

2. the specific reasons for denial and the support therefore;
3. the typed or printed name, title business address, business telephone number and signature of the open-records officer who has issued such denial;
4. the date of the response; and
5. the procedure to appeal said denial under the Act.

Section 8. Posting

LANTA shall post the following information at LANTA's Administrative Office and on LANTA'S web-site and maintain such information in an up-to-date format when necessary:

1. Contact information for the Authority Open Records Officer;
2. Contact information for the Pennsylvania Office of Open Records or other applicable appeals officer;
3. A form that may be used to file a request; and
4. Regulations, policies, and procedures of the Authority relating to this policy.

Please refer to LANTA's website <https://www.lantabus.com/right-to-know-policy/> for the information mentioned above in Section 8 A-D.


Section 9. Bid Documents

LANTA shall provide notice on all competitive bid forms related to authority procurement that information within proposals, including financial information of a bidder may be provided as a public record, if appropriate pursuant to the discretion of the Open Records Officer, after a bid is awarded.

Section 10. Appeals

The appeal of any action which is covered by this policy shall take place pursuant to the time limitations, provisions and procedures outlined in Section 1101 of the Pennsylvania Open Records Law.

SIGNATURES

Owen O'Neil	Document ID: Right to Know Policy Revision: 1.0 Approver Title: Executive Director Dated: 07/05/2024	
--------------------	--	---