

SECTION: OPERATIONS

TITLE: PUBLIC RECORDS

ADOPTED: November 15, 1989

REVISED and RESTATED: December 10, 2008

General McLane School District

<p>1. Definitions</p> <p>Authority Pa.Stat.Ann. tit. 65, § 67.101 <i>et</i> <i>seq.</i></p>	<p style="text-align: center;">801. PUBLIC RECORDS</p> <p>The following words and phrases when used in this policy shall have the meanings given to them in this section unless the context clearly indicates otherwise:</p> <p>"Administrative proceeding." A proceeding by General McLane the outcome of which is required to be based on a record or documentation prescribed by law or in which a statute or regulation is particularized in application to individuals. The term includes an appeal.</p> <p>"Aggregated data." A tabulation of data which relate to broad classes, groups or categories so that it is not possible to distinguish the properties of individuals within those classes, groups or categories.</p> <p>"Confidential proprietary information." Commercial or financial information received by General McLane:</p> <ul style="list-style-type: none">(1) which is privileged or confidential; and(2) the disclosure of which would cause substantial harm to the competitive position of the person that submitted the information. <p>"Financial record." any of the following:</p> <ul style="list-style-type: none">(1) Any account, voucher or contract dealing with:<ul style="list-style-type: none">(i) the receipt or disbursement of funds by General McLane; or(ii) General McLane's acquisition, use or disposal of services, supplies, materials, equipment or property.(2) The salary or other payments or expenses paid to an officer or employee of General McLane, including the name and title of the officer or employee.(3) A financial audit report. The term does not include work papers
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	<p>underlying an audit.</p> <p>"Homeland security." Governmental actions designed to prevent, detect, respond to and recover from acts of terrorism, major disasters and other emergencies, whether natural or manmade. The term includes activities relating to the following:</p> <ul style="list-style-type: none">(1) emergency preparedness and response, including preparedness and response activities by volunteer medical, police, emergency management, hazardous materials and fire personnel;(2) intelligence activities;(3) critical infrastructure protection;(4) border security;(5) ground, aviation and maritime transportation security;(6) biodefense;(7) detection of nuclear and radiological materials; and(8) research on next-generation securities technologies. <p>"Office of Open Records." The Office of Open Records of the Pennsylvania Department of Community and Economic Development.</p> <p>"Personal financial information." An individual's personal credit, charge or debit card information; bank account information; bank, credit or financial statements; account or PIN numbers and other information relating to an individual's personal finances.</p> <p>"Privilege." The attorney-work product doctrine, the attorney-client privilege, the doctor-patient privilege, the speech and debate privilege or other privilege recognized by a court interpreting the laws of the Commonwealth of Pennsylvania.</p> <p>"Public record." A record, including a financial record, of General McLane that:</p> <ul style="list-style-type: none">(1) is not exempt under section 8 hereof;(2) is not exempt from being disclosed under any other federal or state law or regulation or judicial order or decree; or(3) is not protected by a privilege. <p>"Record." Information, regardless of physical form or characteristics, that documents a transaction or activity of General McLane and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of General McLane. 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.</p>
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<p>2. Open-Records Officer</p>	<p>"Requester." A person that is a legal resident of the United States and requests a record pursuant to this policy. The term includes an agency.</p> <p>"Response." Access to a record or General McLane's Open-Records Officer's written notice to a requester granting, denying or partially granting and partially denying access to a record.</p> <p>"Social services." Cash assistance and other welfare benefits, medical, mental and other health care services, drug and alcohol treatment, adoption services, vocational services and training, occupational training, education services, counseling services, workers' compensation services and unemployment compensation services, foster care services, services for the elderly, services for individuals with disabilities and services for victims of crimes and domestic violence.</p> <p>"Terrorist act." A violent or life-threatening act that violates the criminal laws of the United States or any state and appears to be intended to:</p> <ul style="list-style-type: none"> (1) intimidate or coerce a civilian population; (2) influence the policy of a government; or (3) affect the conduct of a government by mass destruction, assassination or kidnapping. <p>"Trade secret." Information, including a formula, drawing, pattern, compilation, including a customer list, program, device, method, technique or process that:</p> <ul style="list-style-type: none"> (1) derives independent economic value, actual or potential, from not being generally known to and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; and (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. <p>The term includes data processing software obtained by General McLane under a licensing agreement prohibiting disclosure.</p> <p>(a) Establishment. -- General McLane hereby designates the Administrative Assistant to the Superintendent of the General McLane School District to act as the Open-Records Officer.</p> <p>(b) Functions.--</p> <ul style="list-style-type: none"> (1) The Open-Records Officer shall receive requests submitted to General McLane under this policy, direct requests to other appropriate persons within General McLane or to appropriate persons in another government agency or court, track General McLane's progress in responding to requests and issue interim and final responses under this policy. The Open-Records Officer shall also maintain a log of all record requests and their disposition and
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	<p>ensure that district staff are trained to perform assigned job functions relative to requests for access to records.</p> <p>(2) Upon receiving a request for a public record or financial record, the Open-Records Officer shall do all of the following:</p> <ul style="list-style-type: none"> (i) Note the date of receipt on the written request. (ii) Compute the day on which the five-day period under section 10 hereof 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. If the request is denied, the written request shall be maintained for 30 days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied. <p>3. Access</p> <p>(a) General rule.--Unless otherwise provided by law, a public record or financial record shall be accessible for inspection and duplication in accordance with this policy. 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. Public records or financial records shall be available for access during the regular business hours of General McLane. A requestor's right of access does not include the right to remove a record from the control or supervision of the Open-Records Officer.</p> <p>(b) Construction.--Nothing in this policy shall be construed to require access to any computer either of General McLane or an individual employee of General McLane.</p> <p>4. Requests to Be in Writing</p> <p>All requests for access to records must be in writing. If an employee of General McLane or the Open-Records Officer receives a request for access to records that is not in writing, the requestor shall be given a copy of the records request form, attached hereto as Exhibit A, and told that all requests for access to records must be in writing.</p> <p>5. Submission of Requests</p> <p>A request for access to records may be submitted in person, by mail, by e-mail, or by facsimile. A request must be addressed to the Open-Records Officer. Employees of General McLane shall forward requests for records to the Open-Records Officer. A request should identify or describe the records sought with sufficient specificity to enable the Open-Records Officer to ascertain which records are being requested and shall include the name and address to which the Open-Records Officer should address his or her response. A request need not include any explanation of the requester's reason for requesting or intended use of the records.</p>
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<p>6. Access to Records</p>	<p>The Open-Records Officer may not deny a requester access to a public record due to the intended use of the public record by the requester unless otherwise provided by law. Information shall be made available to individuals with disabilities in an appropriate format, upon request and with sufficient advance notice.</p>
<p>7. Presumption</p>	<p>General rule.--A record in the possession of General McLane shall be presumed to be a public record. The presumption shall not apply if:</p> <ul style="list-style-type: none"> (1) the record is exempt under section 8 hereof; (2) the record is protected by a privilege; or (3) the record is exempt from disclosure under any other federal or state law or regulation or judicial order or decree.
<p>8. Exceptions</p>	<p>(a) Exceptions.--Except as provided in subsections (b) and (c) hereof, the following are exempt from access by a requester under this policy:</p> <ul style="list-style-type: none"> (1) A record the disclosure of which: <ul style="list-style-type: none"> (i) would result in the loss of federal or state funds by General McLane; 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 General McLane 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. (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: <ul style="list-style-type: none"> (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,

	<p>configuration or security of critical systems, including public utility systems, structural elements, technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage and gas systems.</p> <p>(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.</p> <p>(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.</p> <p>(6)</p> <ul style="list-style-type: none">(i) The following personal identification information:<ul style="list-style-type: none">(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 employee.(iii) The Open-Records Officer may redact the name or other identifying information relating to an individual performing an undercover or covert law enforcement activity from a record. <p>(7) The following records relating to a General McLane employee:</p> <ul style="list-style-type: none">(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.(ii) A performance rating or review.(iii) The result of a civil service or similar test administered by General McLane shall not be disclosed if restricted by a collective bargaining agreement. Only test scores of
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	<p>individuals who obtained a passing score on a test administered by General McLane may be disclosed.</p> <p>(iv) The employment application of an individual who is not hired by General McLane.</p> <p>(v) Workplace support services program information.</p> <p>(vi) Written criticisms of an employee.</p> <p>(vii) Grievance material, including documents related to discrimination or sexual harassment.</p> <p>(viii) Information regarding discipline, demotion or discharge contained in a personnel file. This subparagraph shall not apply to the final action of General McLane that results in demotion or discharge.</p> <p>(ix) An academic transcript.</p> <p>(8)</p> <p>(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.</p> <p>(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.</p> <p>(9) The draft of a resolution, regulation, statement of policy, management directive, or amendment thereto prepared by or for General McLane.</p> <p>(10)</p> <p>(i) A record that reflects:</p> <p>(A) The internal, predecisional deliberations of General McLane, its members, employees or officials or predecisional deliberations between General McLane, its employees or officials, employees or officials of a government agency or court, including predecisional deliberations relating to a budget recommendation, contemplated or proposed policy or course of action or any research, memos or other documents used in the predecisional deliberations.</p> <p>(B) The strategy to be used to develop or achieve the successful adoption of a budget or regulation.</p> <p>(ii) Subparagraph (i)(A) shall apply to General McLane in a manner consistent with 65 Pa.C.S. Ch. 7 (the Sunshine Act). A record which is not otherwise exempt from access</p>
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	<p>under this policy and which is presented to a quorum for deliberation in accordance with the Sunshine Act shall be a public record.</p> <p>(iii) This paragraph shall not apply to a written or Internet application or other document that has been submitted to request Commonwealth funds.</p> <p>(11) A record that constitutes or reveals a trade secret or confidential proprietary information.</p> <p>(12) Notes and working papers prepared by or for a public official or General McLane 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.</p> <p>(13) Records that would disclose the identity of an individual who lawfully makes a donation to General McLane unless the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public official or employee of General McLane, including lists of potential donors compiled by General McLane to pursue donations, donor profile information or personal identifying information relating to a donor.</p> <p>(14) Unpublished lecture notes, unpublished manuscripts, unpublished articles, creative works in progress, and research-related material.</p> <p>(15)</p> <ul style="list-style-type: none">(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. <p>(16) A record of General McLane relating to or resulting in a criminal investigation, including:</p> <ul style="list-style-type: none">(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.
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	<p>(vi) A record that, if disclosed, would do any of the following:</p> <ul style="list-style-type: none">(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) Endanger the life or physical safety of an individual. <p>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 campus police or other law enforcement agency.</p> <p>(17) A record of General McLane relating to a noncriminal investigation, including:</p> <ul style="list-style-type: none">(i) Complaints submitted to General McLane.(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:<ul style="list-style-type: none">(A) Reveal the institution, progress or result of a General McLane investigation, except 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 General McLane’s ability to secure an administrative or civil sanction.(E) Endanger the life or physical safety of an individual. <p>(18) DNA and RNA records.</p> <p>(19)</p> <ul style="list-style-type: none">(i) Draft minutes of any meeting of the Board until the next regularly scheduled meeting of the Board.
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	<p>(ii) Minutes of an executive session and any record of discussions held in executive session.</p> <p>(20)</p> <p>(i) The contents of real estate appraisals, engineering or feasibility estimates, environmental reviews, audits or evaluations made for or by General McLane relative to the following:</p> <ul style="list-style-type: none">(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. <p>(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.</p> <p>(21) Library and archive circulation and order records of an identifiable individual or groups of individuals.</p> <p>(22) 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.</p> <p>(23) A proposal pertaining to 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; or 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.</p> <p>(24) A record or information relating to a communication between General McLane 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.</p> <p>(25) A record or information:</p> <ul style="list-style-type: none">(i) identifying an individual who applies for or receives social services; or(ii) relating to the following:<ul style="list-style-type: none">(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
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<p>9. Requests</p>	<p>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.</p> <p>(26) 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.</p> <p>(27) A record identifying the name, home address or date of birth of a child 17 years of age or younger.</p> <p>(b) Financial records.--The exceptions set forth in subsection (a) hereof shall not apply to financial records, except that General McLane may redact that portion of a financial record protected under subsections (a)(1), (2), (3), (4), (5), (6), (16) or (17) hereof. General McLane shall not disclose the identity of an individual performing an undercover or covert law enforcement activity.</p> <p>(c) Aggregated data.--The exceptions set forth in subsection (a) hereof shall not apply to aggregated data maintained or received by General McLane, except for data protected under subsections (a)(1), (2), (3), (4) or (5) hereof.</p> <p>(d) Construction.--In determining whether a record is exempt from access under this section, the Open-Records Officer shall consider and apply each exemption separately.</p> <p>(a) Disruptive requests.--</p> <p>(1) The Open-Records Officer 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 General McLane.</p> <p>(2) A denial under this subsection shall not restrict the requester's ability to request a different record.</p> <p>(b) Disaster or potential damage.--</p> <p>(1) The Open-Records Officer may deny a requester access:</p> <p>(i) when timely access is not possible due to fire, flood or other disaster; or</p> <p>(ii) to historical, ancient or rare documents, records, archives and manuscripts when access may, in the professional judgment of the curator or custodian of records, cause physical damage or irreparable harm to the record.</p> <p>(2) 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.</p> <p>(c) Discretion. – The Board of the General McLane School District may</p>
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<p>10. Procedure and Time Limits</p>	<p>exercise its discretion to make any otherwise exempt record accessible for inspection and copying under this policy, if all of the following apply:</p> <ul style="list-style-type: none">(1) Disclosure of the record is not prohibited under any of the following:<ul style="list-style-type: none">(i) Federal or state law or regulation.(ii) Judicial order or decree.(2) The record is not protected by a privilege.(3) The Superintendent determines that the public interest favoring access outweighs any individual, school district or public interest that may favor restriction of access. <p>(d) Possession.--</p> <ul style="list-style-type: none">(1) A public record that is not in the possession of General McLane but is in the possession of a party with whom General McLane has contracted to perform a governmental function on behalf of General McLane, and which directly relates to the governmental function and is not exempt under this policy, shall be considered a public record of General McLane for purposes of this policy. When General McLane contracts with such a third party, General McLane shall require the contractor to agree in writing to comply with requests for such records and to provide General McLane with the requested record in a timely manner to allow General McLane to comply with law and this policy.(2) Nothing in this policy shall be construed to require access to any other record of the party in possession of the public record.(3) A request for a public record in possession of a party other than General McLane shall be submitted to the Open-Records Officer. Upon a determination that the record is subject to access under this policy, the Open-Records Officer shall assess the duplication fee established under subsection 13(b) hereof and upon collection shall remit the fee to the party in possession of the record if the party duplicated the record. <p>Upon receipt of a written request for access to a record, the Open-Records Officer shall make a good faith effort to determine if the record requested is a public record or financial record and whether General McLane has possession, custody or control of the identified record, and to respond as promptly as possible under the circumstances existing at the time of the request. All applicable fees shall be paid in order to receive access to the record requested. The time for response shall not exceed five business days from the date the written request is received by the Open-Records Officer. If the Open-Records Officer fails to send the response within five business days of receipt of the written request for access, the written request for access shall be deemed denied.</p>
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<p>11. Extension of Time</p>	<p>(a) Determination.--Upon receipt of a written request for access, the Open-Records Officer shall determine if one of the following applies:</p> <ol style="list-style-type: none"> (1) the request for access requires redaction of a record in accordance with section 15 hereof; (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 this policy; (5) the requester has not complied with General McLane’s policies regarding access to records; (6) the requester refuses to pay applicable fees authorized by this policy; or (7) the extent or nature of the request precludes a response within the required time period. <p>(b) Notice.--</p> <ol style="list-style-type: none"> (1) Upon a determination that one of the factors listed in subsection (a) applies, the Open-Records Officer shall send written notice to the requester within five business days of receipt of the request for access under subsection (a). (2) 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. 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 10 hereof, 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. (3) 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 Open-Records Officer has not provided a response by that date.
<p>12. Denial</p>	<p>If the Open-Records Officer’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:</p> <ol style="list-style-type: none"> (1) A description of the record requested. (2) The specific reasons 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.

<p>13. Fees</p>	<p>(5) The procedure to appeal the denial of access.</p> <p>(a) Postage.--Fees for postage may not exceed the actual cost of mailing.</p> <p>(b) Duplication.—</p> <p>(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 established by the Office of Open Records. A copy of the current charges established by the Office of Open Records is attached as Exhibit B to this policy. These fees will be reviewed and revised by the Open-Records Officer biannually.</p> <p>(2) The following apply to complex and extensive data sets, including geographic information systems or integrated property assessment lists.</p> <p>(i) Fees for copying may be based on the reasonable market value of the same or closely related data sets.</p> <p>(ii) Subsection (i) hereof shall not apply to:</p> <p>(A) a request by an individual employed by or connected with a newspaper 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</p> <p>(B) a request by a nonprofit organization for the conduct of educational research.</p> <p>(iii) Information obtained under subsection (ii) hereof shall be subject to section 1 hereof.</p> <p>(c) 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.</p> <p>(d) Waiver of fees.—The Open-Records Officer may waive the fees for duplication of a record, including, but not limited to, when:</p> <p>(1) the requester duplicates the record; or</p> <p>(2) the Open-Records Officer deems it is in the public interest to do so.</p> <p>(e) Limitations.--Except as otherwise provided by statute, no other fees may be imposed unless General McLane necessarily incurs costs for complying with the request, and such fees must be reasonable. No fee may be imposed for the Open-Records Officer's review of a record to determine whether the record is a public record or financial record subject to access in accordance with this policy.</p> <p>(f) Prepayment.--Prior to granting a request for access in accordance with this policy, the Open-Records Officer may require a requester to</p>
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<p>14. Creation of Record</p>	<p>prepay an estimate of the fees authorized if the fees required to fulfill the request are expected to exceed \$100.</p> <p>When responding to a request for access, the Open-Records Officer shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which General McLane does not currently compile, maintain, format or organize the record.</p>
<p>15. Redaction</p>	<p>If the Open-Records Officer determines that a public record or financial record contains information which is subject to access as well as information which is not subject to access, the Open-Records Officer's response shall grant access to the information which is subject to access and deny access to the information which is not subject to access. If the information which is not subject to access is an integral part of the public record or financial record and cannot be separated, the Open-Records Officer shall redact from the record the information which is not subject to access, and the response shall grant access to the information which is subject to access. The Open-Records Officer may not deny access to the record if the information which is not subject to access is able to be redacted. Information which the Open-Records Officer redacts in accordance with this section shall be deemed a denial under this policy.</p>
<p>16. Production of Certain Records</p>	<p>(a) General rule.--If, in response to a request, the Open-Records Officer produces a record that is not a public record or financial record, the Open-Records Officer shall notify any third party that provided the record to General McLane, the person that is the subject of the record and the requester.</p> <p>(b) Requests for trade secrets.—The Open-Records Officer 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 business days of receipt of the request for the record. The third party shall have five business days from receipt of notification from the Open-Records Officer to provide input on the release of the record. The Open-Records Officer shall deny the request for the record or release the record within ten business days of the provision of notice to the third party and shall notify the third party of the decision.</p> <p>(c) Transcripts.--</p> <p>(1) Prior to an adjudication becoming final, binding and nonappealable, a transcript of an administrative proceeding shall be provided to a requester by the Open-Records Officer.</p> <p>(2) Following an adjudication becoming final, binding and</p>

	<p>nonappealable, a transcript of an administrative proceeding shall be provided to a requester in accordance with the duplication rates established in subsection 13(b) hereof.</p>
17. Record Discard	<p>If the Open-Records Officer's response to a requester states that copies of the requested records are available for delivery at the office of General McLane and the requester fails to retrieve the records within 60 days of the Open-Records Officer's response, the Open-Records Officer may dispose of any copies which have not been retrieved and retain any fees paid to date.</p>
18. Retention of Records	<p>Nothing in this policy shall be construed to modify, rescind or supersede Policy No. 820, General McLane's record retention policy.</p>
19. Posting	<p>Posting.--The following information shall be posted at all General McLane buildings and on General McLane's Internet website:</p> <ol style="list-style-type: none">(1) Contact information for the Open-Records Officer.(2) Contact information for the Office of Open Records.(3) A form which may be used to file a request.(4) This policy.