



The Office of Open Records is often asked whether Agencies are required to promulgate rules, regulations or right-to-know policies under this new law.

An Agency is not required to adopt rules and regulations but they may do so in accordance with the Act. *Section 504 of the law "that an Agency may promulgate regulations and policies necessary for the agency to implement this Act."*

The Office of Open Records encourages each Agency to consider, in consultation with their attorneys, adopting rules and regulations for their individual Agency and post as required. The Office of Open Records will, as time permits, review any proposed rules and regulation of an Agency and offer input.

Each Agency should be advised that section 1308 prohibits adopting rules or regulations that include any of the following:

- 1) A limitation on the number of records which may be requested or made available for inspection or duplication.
- 2) A requirement to disclose the purpose or motive in requesting access to records.

Some items an Agency may wish to consider in deciding whether to adopt a policy.

Whether an Agency will create its own Right-to-Know request form. The Office of Open Records has created a Uniform Right-to-Know request form that a Commonwealth or Local Agency must accept. But an Agency may also wish to create its own form tailored to its own Agency.

Whether an Agency will accept RTK requests via telephone in addition to the procedures in the Act: which include email, regular mail, in-person and facsimile.

What are the Agency's record retention laws and procedures? It may reduce your RTK requests if potential requesters know what records are no longer available by law.

Will your Agency accept verbal or written anonymous requests? The law says an Agency may fulfill verbal or written anonymous requests, but is not required to accept them.

What public records will the Agency put on its website? The more public records available on an Agency website, often the fewer RTK requests an Agency will receive.

Will your Agency post on its website the RTK requests you have received and the Agency responses to those requests? Such a policy also tends to reduce the number of requests because if one person is seeking records, usually other citizens have a similar request. If the record is available on the Agency website very often they won't even file a RTK request.

Will the Agency have a policy to inform citizens and businesses that if they submit documents to the Agency that relate to trade secrets or confidential proprietary information that they should consider also submitting a written statement detailing that the records, in their view, are confidential?