

RIGHT-TO-KNOW RESPONSE and REDACTION

1. Open Records Officers have five (5) days to respond.
 - a. Say a record has some information subject to disclosure and some that is not. The agency is required to redact the information not subject to disclosure.
§706
2. For Example:
 - a. A request for the employment application of someone who has been hired by the system.
 - b. John Q. Public was hired on 11/13/2008.
 - c. On Monday, January 5, 2008, a RTK request is received by the Office of the Chancellor Open Records Officer for John Q. Public's employment application and his salary.
 - d. The Open Records Officer has five business days to respond. Therefore, a response is due on Monday, January 12, 2008. (Do not count day request was received.)
3. Is it a public record? If so, what needs to be redacted, if anything. Is it a public record subject to disclosure?
 - a. Is it a record received or retained in connection with a business or activity of the agency?
 - b. Is it exempt under §708?
 - c. Is it exempt under a federal or state law or regulation, or court order?
 - d. Is the record privileged?
 - e. Is his salary a financial record?
4. Public Record - Analysis
 - a. It is certainly a record retained for a business purpose.
 - b. Some of it seems to be exempt under §708(b)(6).
 - c. There seems to be no federal or state law or regulation that applies.
 - d. No evidence of a court order.
 - e. No privilege applies.
5. A financial record is subject to disclosure as a public record including the name and title of the employee. §102
6. Public Record - Conclusion
 - a. It is a public record subject to redaction.
 - b. The financial information is subject to disclosure.
7. Do you need an extension? Must be requested within the five day window.
8. Response
 - a. A letter responding to the requestor with the following.
 - i. Name, title, and salary of John Q. Public.
 - ii. Redacted copy of employment application.
9. New Right to Know Law
10. If you have any questions, please contact our university legal counsel at 717-720-4070.