FAWN GROVE BOROUGH
YORK COUNTY, PENNSYLVANIA

RESOLUTION NO. 2025-06

A RESOLUTION TO ESTABLISH PARAMETERS FOR THE RETENTION OF BOROUGH RECORDS AND PROCEDURES REGARDING VIDEO SURVEILLANCE FOOTAGE

WHEREAS, Fawn Grove Borough is an agency regulated by the Right-To-Know Law, 65 P.S. §67.101 et seq. ("RTKL"); and

WHEREAS, the Borough desires to declare its intent to follow the schedules and procedures for disposition of records as set forth in the Municipal Records Manual ("Manual") of the Pennsylvania Historical and Museum Commission ("Commission"), as required by the Municipal Records Act ("MRA"); and

WHEREAS, video surveillance cameras have been installed on real property owned by the Borough; and

WHEREAS, the Manual does not set forth a retention period for video surveillance footage recordings of Borough real property ("Video Surveillance Recordings"); and

WHEREAS, the Borough desires to establish a written policy for the use and retention of Video Surveillance Recordings for Borough employees and appointed officials; and

WHEREAS, Fawn Grove Borough desires to adopt a resolution setting forth a policy on the retention and destruction of such Video Surveillance Recordings, consistent with both the MRA and the RTKL.

NOW, THEREFORE, BE IT RESOLVED by the Fawn Grove Borough Council that:

1. **Record Retention.** The Borough hereby adopts the Commission's Municipal Records Manual dated December 16, 2008, and automatically adopts any future updated versions of the Manual.

2. **Video Surveillance Recordings.**

A. The Borough declares that Video Surveillance Recordings shall be retained by the Secretary of the Borough or her/his designee, for thirty (30) days.

B. The Video Surveillance Recordings shall be destroyed or otherwise permanently deleted by the Secretary of the Borough or her designee at the end of the thirty (30) day period.

C. The OOR has determined that such Video Surveillance Recordings are public records. To the extent that Video Surveillance Recordings are public records, then this policy shall regulate their retention and destruction as public records.

i. In the event that such a records request is timely made, the Borough shall review the Video Surveillance Recordings to determine if an exemption exists under the RTKL; if an exemption does not exist, then the Borough shall provide the requestor with a copy of the record in the same medium as that in which it was created, or such other medium that the Borough and the requestor shall agree upon, at the expense of the requester, which fees are set out in the Right-to-Know Fee Schedule; if an exemption does exist the Borough shall deny the request per the RTKL.

ii. If a copy of the Video Surveillance Recordings is provided pursuant to a RTKL request, then a copy of that the Video Surveillance Recordings shall be maintained indefinitely by the Borough, unless and until its destruction is authorized by the Borough or the Borough's solicitor. Such Video Surveillance Recordings, together with a copy of the public records request, shall be separately stored in a different location from regular and routine Video Surveillance Recordings.

iii. If a Video Surveillance Recordings request is denied as an exemption under the RTKL, the Video Surveillance Recordings shall be maintained for at least 30 days or until the solicitor advises the request is closed and the recording may be destroyed.

D. Additionally, no Video Surveillance Recordings which, prior to its destruction pursuant to the policies set out in this Resolution, is the subject of any lawfully issued subpoena or discovery request of any parties in litigation shall be destroyed or erased except upon agreement of the parties to the litigation, by Order of Court, or by final conclusion of the litigation, including all appeals, at which time it shall be destroyed pursuant to and consistent with this policy. Copies of any such Video Surveillance Recordings shall be stored in the same manner as provided in Section 2.A., and a copy shall be provided to and maintained by the solicitor as an attorney's work product.

3. **Effective Date.** This Resolution shall be effective immediately.

RESOLVED, this 7th day of October 2025.

ATTEST:

FAWN GROVE BOROUGH COUNCIL

_____
Secretary

By: _____
President