

**PENNSYLVANIA RIGHT-TO-KNOW LAW COMPLIANCE POLICY OF
BETHLEHEM TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA**

SECTION I: ADOPTION OF POLICY

This Policy was duly adopted by the affirmative vote of the Bethlehem Township Board of Commissioners at a regular public meeting duly advertised, convened and held on Monday, Dec. 15th, 2008 by its Resolution No. R76-08.

SECTION II: STATEMENT OF POLICY

It is the official policy of the Township of Bethlehem, Northampton County, Pennsylvania ("Township") to provide public access, including the right of inspection and duplication, to the public records of the Township in accordance with the requirements of the Act of February 14, 2008, P.L. 6, No. 3, 65 P.S. §67.101, et seq. (the "Right-to-Know Law").

SECTION III: PURPOSE OF POLICY

The purpose of this policy is to provide guidance to Township employees relating to their obligations under the Right-to-Know; to provide public access to the public records of the Township in accordance with the Right-to-Know Law; to assure compliance by the Township with the requirements of the Right-to-Know Law; to preserve the integrity of the public records of the Township; and to minimize the financial impact to the residents of the Township regarding the resources utilized in the receipt and processing of public record requests and the retrieval and duplication of public records.

SECTION IV: DEFINITIONS

As of the effective date of adoption of this Policy by the Board of Commissioners, the following words and phrases shall have the meanings set forth thereafter unless the context clearly indicates otherwise. These definitions are set forth in Section 102 of the Right-to-Know Law. In the event that the Pennsylvania legislature amends any of these definitions, such amended definition shall automatically replace such definition without further action by the Board of Commissioners.

"Agency." A Commonwealth agency, a local agency, a judicial agency or a legislative agency, all as more fully defined in the Right-to-Know Law

"Exempt Record". A record exempt from the requirement to provide public access thereto, as set forth in Section 708 of the Right-to-Know Law. The burden of proving that a record of the Township is exempt from public access shall be on the Township by a preponderance of the evidence.

"Office of Open Records." The Office of Open Records established pursuant to Section 1310 of the Right-to-Know Law as an office within the Pennsylvania Department of Community and Economic Development.

"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 this Commonwealth.

"Public record." A record, including a financial record, of the Township that:

- (1) is not exempt under Section 708 of the Right-to-Know Law;
- (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.

"Record." Information, regardless of physical form or characteristics, that documents a transaction or activity of the Township and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the Township. 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.

"Requester." A person that is a legal resident of the United States and requests a record from the Township pursuant to the Right-to-Know Law. The term includes an "agency."

"Response." Access to a Township record or the Township's written notice to a requester granting, denying or partially granting and partially denying access to a record.

"Open Records Officer". The Township Manager, or his or her designee, who is responsible for the following: (a) to receive requests under the Right-to-Know Law submitted to the Township; (b) to direct requests to other appropriate persons within the Township; (c) tracking the Township's progress in responding to requests for public records; and (d) issuing interim and final responses under the Right-to-Know Law.

"Township." The Township of Bethlehem, Northampton County, Pennsylvania.

SECTION V: STATEMENT OF RULES

This policy shall be implemented by all Township employees pursuant to the following Rules:

1. All Township "public records", as defined by the Right-to-Know Law, are and shall be available and accessible during regular business hours to all legal residents of the United States for inspection and duplication, in accordance with the provisions of the Right-to-Know Law and this policy.

2. The Open Records Officer is and shall be responsible for compliance by the Township with the requirements of the Right-to-Know Law.

3. For the purpose of ensuring and preserving the integrity of Township public records, the Open Records Officer shall require the presence of an appropriate Township employee whenever Township public records are examined and inspected pursuant to requests under the Right-to-Know Law.

4. The Open Records Officer may designate one or more Township employees ("Designated Employee") to review and process requests for inspection and/or duplication of Township public records. The results of that review and processing shall, upon completion, be delivered to the Open Records Officer.

5. Each request for inspection and/or duplication of Township public records shall be submitted to the Township in writing and addressed to the Open Records Officer as follows:

Open Records Officer
Bethlehem Township Municipal Building
4225 Easton Avenue
Bethlehem, Pennsylvania 18020

Each request shall identify and describe in reasonable detail and with sufficient specificity each public record requested so as to enable the Township to ascertain which public record is being requested and to permit and facilitate its identification and retrieval by the Township. Each request shall include the name and address of the requester to which the Township should address a written response. The Open Records Officer and Designated Employee shall encourage that requesters use the form provided by the Township for the purpose of requesting the inspection and/or copying of Township public records. The form shall be substantially the same as the document entitled "Request for Inspection and/or Duplication of Public Record" and attached hereto as Appendix "A". In addition, a requester may use the written form of request developed by the Office of Open Records, which is currently available at: <http://openrecords.state.pa.us/> by following the link on the left side of the page to "forms" and then to "Right-to-Know Uniform Request Form (MS Word Format)".

Each written request shall be submitted to the Township to the attention of the Open Records Officer, in any of the following ways: (a) hand-delivery; (b) United States mail; (c) express delivery service such as Federal Express or United Parcel Service; (d) e-mail; and (e) facsimile transmission. Any Township employee who receives a written request for a Township public record shall refer the request to the Open Records Officer.

6. A request need not include any explanation of the requester's reason for requesting, or intended use of, a Township public record, and no Township employee shall request such information from a requester or deny access to a Township public record based on the reason for requesting or the intended use of a Township public record.

7. A public record shall be made available to the requester in the medium requested if the public record exists in such medium and otherwise in the medium in which the public record exists. In the event a public record exists only electronically or in other

nonpaper medium, the Township shall upon request duplicate the public record on paper when responding to a request for inspection and/or duplication.

8. The Township and its employees are not required to create a public record which does not currently exist or to compile, maintain, format or organize a public record in a manner in which the Township does not currently compile, maintain, format or organize the public record.

9. Upon receipt of a request for inspection and/or duplication of a Township public record, the Open Records Officer or Designated Employee shall proceed as promptly as possible to determine:

(A) in good faith, whether each record requested is a Township "public record" as defined in the Right-to-Know Law, understanding that the burden of establishing that a record is not "public" is on the Township by a preponderance of the evidence;

(B) whether the request requires redaction of a public record because it contains information which is subject to public access as well as information which is not subject to public access. In the event redaction of a public record is required, the Township shall grant access to those portions of the record which are not redacted.

(C) whether the request requires retrieval of a record which is not stored in the Bethlehem Township Municipal Building;

(D) whether a timely response to the request cannot be accommodated due to bona fide and specified staffing limitations;

(E) whether review is required by the Township solicitor to determine whether the record is a Township "public record" as defined by the Right-to-Know Law;

(F) whether the requester has complied with these Rules; and

(G) whether the requester has agreed to pay the fees or, when required herein, has prepaid the fees, authorized by this Statement of Rules.

10. The Township Manager or Designated Employee shall send a written response to the requester within five (5) business days from the date of receipt by the Township of the request. If the Township Manager or Designated Employee does not send a written response within five (5) business days of receipt of a request, the request is deemed denied.

11. The written response provided by the Township Manager or Designated Employee shall consist of the following:

(A) a response that the request has been approved, in a form substantially the same as the document entitled "Approval of Request for Inspection and/or Duplication of Public Record" and attached hereto as Appendix "B", completed as applicable.

(B) a response that the request requires further review by the Township Manager or Designated Employee, in a form substantially the same as the document entitled "Pending Further Review of Request for Inspection and/or Duplication of Public Record" and attached hereto as Appendix "C", completed as applicable. No request shall be subject to further review unless one or more of the reasons set forth on Appendix "C" is applicable and is so marked. These reasons are as follows:

- (i) The record requested contains information which is subject to access, as well as information which is not subject to access that must be redacted prior to a grant of access. The redaction of information is considered a denial as to that information;
- (ii) The record requested is not stored in the Bethlehem Township Municipal Building
- (iii) A timely response cannot be accomplished due to bona fide and specified staffing limitations;
- (iv) A review is required by the Township solicitor to determine whether the record is a Township "public record" as defined by the Right-to-Know Law;
- (v) The requester has not complied with these Rules; or

- (vi) The requester has not agreed to pay the fees or, when required herein, has not prepaid the fees, authorized by this Statement of Rules.

The statement shall set forth the expected response date, which shall be within thirty (30) days of the date the statement is sent to the requester. If the Township does not further respond to the request within thirty (30) days thereof, the request is deemed denied.

(C) a response that the request is denied, in form substantially the same as the document entitled "Denial of Request for Inspection and/or Duplication of Public Record" and attached hereto as Appendix "D", completed as applicable.

12. Where a request has been received for more than one Township public record, and not all the requested public records are eligible for the same response, the response shall identify the Township public record to which the response is applicable.

13. If a request is approved, the public record shall be available for access during the regular business hours of the Township. The Township Manager or Designated Employee shall cooperate fully with the requester, while also taking reasonable measures to protect Township public records from the possibility of theft and/or modification by, inter alia, providing for the presence of an appropriate Township employee, as determined by the Township Manager, whenever Township public records are examined and inspected.

14. Fees for duplication of public records shall be as established by the Office of Open Records. A requester may obtain a current list of permissible fees from the Office of Open Records, which is available at: <http://openrecords.state.pa.us/> by following the link on the left side of page to "Fees". As of the date of adoption of this policy, those fees are set forth on Appendix "E".

The Township Manager may in his or her discretion waive fees. In no event, however, shall the fee for duplication of a record which is maintained only electronically or in other nonpaper media exceed the fee for duplicating the record on paper unless the requester has specifically requested the record to be duplicated in the more expensive media.

15. In the event the estimated cost to the Township of fulfilling a request is expected to exceed \$100.00, the Township Manager or Designated Employee shall require

the requester to prepay the estimated cost prior to fulfilling the request in order to avoid unwarranted expense of Township resources.

16. If a request is denied or deemed denied, the requester may file exceptions with the Township Manager within fifteen (15) business days of the mailing date of the Township's notice of denial, or within fifteen (15) days of a deemed denial. The exceptions must:

- (a) Indicate the date of the original request;
- (b) Identify and describe the records requested;
- (c) State the grounds upon which the requester asserts the records are public records; and
- (d) Address any grounds given by the Township in its notice of denial.

17. The Township Manager shall review the exceptions and may conduct a hearing to assist in making a final determination. A final determination shall be made within thirty (30) days of the mailing date of the exceptions, unless extended by the requester. If the denial is upheld, the decision shall contain a written explanation of the reason for denial and an explanation of the process for further appeal.

18. The Township Manager shall minimize, where possible, the financial impact to the Township regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

19. This policy shall be posted conspicuously in the lobby of the Bethlehem Township Municipal Building.

SECTION VI: APPEALS

If a request has been denied in whole or in part, or is deemed denied, the requester may file an appeal with the Office of Open Records within fifteen (15) business days of the mailing date of the Township's notice of denial or within fifteen (15) business days of the mailing

date of a deemed denial. The appeal must set forth grounds upon which the requester asserts that a requested record is a public record and shall address with reasonable specificity the grounds upon which the Township has stated for delaying or denying the request. Within thirty (30) days of the mailing date of the final determination by the Open Records Appeal Officer, the requester or the Township may file a petition for review or other document as may be required by rule of court, with the Court of Common Pleas of Northampton County, Pennsylvania. The filing of a petition for review or other such document shall stay the release of the requested public records until a decision by the Court is issued.

EFFECTIVE DATE. The effective date of adoption of the foregoing Policy and Rules shall be January 1, 2009.

RESOLUTION R076 – 08

**A RESOLUTION ADOPTING THE PENNSYLVANIA
RIGHT-TO-KNOW LAW COMPLIANCE POLICY OF
BETHLEHEM TOWNSHIP, NORTHAMPTON COUNTY,
PENNSYLVANIA**

WHEREAS, the Pennsylvania General Assembly has enacted the Act of February 14, 2008, P.L. 6, No. 3, 65 P.S. §67.101, et seq. (the “Right-to-Know Law”), which substantially amended prior law (also commonly known as the “Right-to-Know Law”), Act of June 21, 1957, P.L. 390, as amended, 65 P.S. §66.1, et seq.; and


WHEREAS, Section 504 of the Right-to-Know Law, 65 P.S. §67.504, to authorizes agencies, including the Township of Bethlehem, to “promulgate regulations and policies necessary for the [Township] to implement” the same; and

WHEREAS, the Board of Commissioners of the Township of Bethlehem, Northampton County, Pennsylvania desires to promulgate written regulations and policies to implement the Right-to-Know Law as amended.


NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY the Board of Commissioners of the Township of Bethlehem, County of Northampton, and Commonwealth of Pennsylvania, that the Pennsylvania Right-to-Know Law Compliance Policy of Bethlehem Township, Northampton County, Pennsylvania, a copy of which is attached hereto, is approved and adopted.

ADOPTED AND APPROVED this 15th day of December 2008 at a regular public meeting.

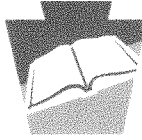
BOARD OF COMMISSIONERS


Paul Weiss,
President

ATTEST:



Jon A. Hammer,
Township Manager/Secretary



pennsylvania

OFFICE OF OPEN RECORDS

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED:

REQUEST SUBMITTED BY: E-MAIL U.S. MAIL FAX IN-PERSON

NAME OF REQUESTOR : _____

STREET ADDRESS : _____

CITY/STATE/COUNTY (Required): _____

TELEPHONE (Optional): _____

RECORDS REQUESTED:

**Provide as much specific detail as possible so the agency can identify the information.*

DO YOU WANT COPIES? YES or NO

DO YOU WANT TO INSPECT THE RECORDS? YES or NO

DO YOU WANT CERTIFIED COPIES OF RECORDS? YES or NO

RIGHT TO KNOW OFFICER:

DATE RECEIVED BY THE AGENCY:

AGENCY FIVE (5)-DAY RESPONSE DUE:

***Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)*



REQUEST FOR INSPECTION AND/OR DUPLICATION
OF BETHLEHEM TOWNSHIP PUBLIC RECORDS

Please print legibly.

Requester's Name: _____

Requester's Address: _____

Requester's Telephone No.: _____

Important notice: *You must identify and describe in reasonable detail and with sufficient specificity each public record requested so as to enable the Township to ascertain which public record is being requested and to permit and facilitate its identification and retrieval by the Township.*

[Check applicable box(es)]

I request: the right to inspect -AND/OR- duplication

of the following Bethlehem Township public records:

(Attach additional sheets if necessary.)

Request for Inspection. I understand that I will be notified by telephone, or in writing, when the records requested are available for my inspection at the Bethlehem Township Municipal Building.

Request for Duplication. I request that the duplicated records be:

non-certified records -OR- certified records *(Note: The cost of certification is \$1.00 per record and does not include fees for notarization.)*

The records I have requested to be duplicated should be:

made available for me to pick up at the Bethlehem Township Municipal Building. I understand that I will be notified by telephone, or in writing, when the records requested are available for me to pick up.

-OR-

mailed to me at the address stated above.

By signing this Request, I agree to pay to Bethlehem Township, before delivery to me of the records I have requested, the costs set forth on the Pennsylvania Office of Open Records fee schedule for such duplication and delivery upon notice of such costs. I certify that I am a legal resident of the United States of America.

Dated: _____

Signature of Requester: _____

This request shall be submitted by (a) hand-delivery; (b) United States Mail; (c) express delivery service such as Federal Express; (d) email, or (e) facsimile transmission:

Bethlehem Township Manager
Bethlehem Township Municipal Building
4225 Easton Avenue
Bethlehem, PA 18020
dbruce@bethlehemtownship.org
Fax No: 610-814-6485

[TO BE COMPLETED BY TOWNSHIP OFFICIALS ONLY]

BETHLEHEM TOWNSHIP ACTION ON PUBLIC RECORD INSPECTION/DUPLICATION
REQUEST

Request No.: _____ Date Received: _____

Action Taken:

- | | | |
|--------------------------|-------------------|---------------------------|
| <input type="checkbox"/> | Approved | Date notice mailed: _____ |
| <input type="checkbox"/> | Additional Review | Date notice mailed: _____ |
| <input type="checkbox"/> | Denied | Date notice mailed: _____ |

Action Taken by:

[Print name of Township Manager or Designated Employee]

[Print Title of Township Manager or Designated Employee]

[Signature of Township Manager or Designated Employee]



**NOTICE OF APPROVAL OF REQUEST FOR
INSPECTION AND/OR DUPLICATION OF
BETHLEHEM TOWNSHIP PUBLIC RECORDS**

Requester's Name: _____

Requester's Address: _____

Your written request dated for: _____

inspection -AND/OR- duplication of certain Bethlehem Township public records has been APPROVED.

This Notice applies to: all of the records you requested -OR- only some of the records you requested. If this Notice applies to only some of the records you requested, those records are identified below.

Request for Inspection: The Bethlehem Township public records you have asked to inspect will be available to you for your inspection on the following terms:

[Note: To facilitate the request, please bring with you a copy of your written request and this response.]

at any time you appear at the Bethlehem Township Municipal Building during regular business hours, -OR-

upon appointment during regular business hours with the Township employee named below. Please call the Bethlehem Township Municipal Building at 610-9814-6400 to make an appointment.

[Note: an appointment is necessary because the records are in active use during regular business hours.]

Request for Duplication: The Bethlehem Township public records you have asked to be duplicated will be delivered to you on the following terms:

The estimated cost of duplication and/or mailing is in excess of \$100.00. Upon receipt from you of payment of the estimated cost of \$_____, we will duplicate the requested records and notify you further concerning delivery to you.

At your request, by making them available to you to pick up at the Bethlehem Township Municipal Building. The record(s) will be available to you to pick up on _____. The cost of duplication is \$_____ and must be paid prior to delivery.

At your request, by mailing them to you. We will mail them to you upon receipt from you of the cost of duplication and mailing, in the amount of \$_____.

[Print name of Township Manager or Designated Employee]

[Print Title of Township Manager or Designated Employee]

[Signature of Township Manager or Designated Employee]

610-814-64_____

[Direct Telephone Number of Employee]

Bethlehem Township Municipal Building
4225 Easton Avenue
Bethlehem, PA 18020

[Business Address of Employee]

Date of this Notice: _____

List of Records to which this Approval Notice Applies:

[Note: for use only where the request has not been approved as to all records requested.]



NOTICE OF REQUIREMENT FOR FURTHER REVIEW
OF REQUEST FOR INSPECTION AND/OR
DUPLICATION OF BETHLEHEM TOWNSHIP PUBLIC
RECORDS

Requester's Name: _____

Requester's Address: _____

Your written request dated for: _____

inspection -AND/OR- duplication of Bethlehem Township public records requires further review by Bethlehem Township.

This Notice applies to: all of the records you requested -OR- only some of the records you requested. If this Notice of Approval applies to only some of the records you requested, those records are identified below.

Further review is required for the following reason(s):

The records requested contain information which is subject to access, as well as information which is not subject to access that must be redacted prior to a grant of access. The redaction of information is considered a denial as to that information.

The records requested are not stored in the Bethlehem Township Municipal Building.

A timely response cannot be accomplished due to the following bona fide staffing limitations:

A review is required by the Township solicitor to determine whether the record is a Township "public record" as defined by the Right-to-Know Law.

Your request does not comply with the Bethlehem Township rules regarding such requests in the following manner: _____

You should resubmit a request complying with the Bethlehem Township rules.

You have not agreed to pay the fees, or have not prepaid the fees, applicable to your request pursuant to an earlier notice to you. The records will be delivered to you when the fees are paid.

The extent or nature of the request precludes a response within the required time period.

Bethlehem Township will provide a further response to your request within thirty (30) days of the date of this Notice, or on or before _____.

[Print name of Township Manager or Designated Employee]

[Print Title of Township Manager or Designated Employee]

[Signature of Township Manager or Designated Employee]

610-814-64_____
[Direct Telephone Number of Employee]

Bethlehem Township Municipal Building
4225 Easton Avenue
Bethlehem, PA 18020
[Business Address of Employee]

Date of this Notice: _____

List of Records to which this Notice applies [*Note: for use only where the request is not subject to further review as to all records requested:*]



NOTICE OF DENIAL OF REQUEST FOR INSPECTION
AND/OR DUPLICATION OF BETHLEHEM TOWNSHIP
PUBLIC RECORDS

Requester's Name: _____

Requester's Address: _____

Your written request dated for: _____

inspection -AND/OR- duplication of certain Bethlehem Township public records has been DENIED.

This Notice applies to: all of the records you requested -OR- only some of the records you requested. If this Notice of Approval applies to only some of the records you requested. These records are identified below.

The specific reasons for this denial are as follows:

This denial is based upon the following legal authority: _____

You have the right to appeal this decision. If you appeal, you must either:

1. Within fifteen (15) business days of the date this Notice of Denial was mailed, or within fifteen (15) days of the date of any deemed denial, file exceptions with the Township Manager. You may file exceptions by (a) hand-delivery; (b) United States Mail; (c) express delivery service such as Federal Express; (d) e-mail, or (e) facsimile transmission, to the Township Manager. If you file exceptions, you must state the date of your original request; identify and describe the records you requested, state the grounds upon which you assert that the records requested are public records, and address any of the reasons given in the Notice for denying your request. Bethlehem Township has thirty (30) days from the date you delivered your exceptions to the Office of the Township Manager in which to respond to your exceptions, unless you agree to extend that date. The Township Manager may decide to conduct a hearing within that time to assist in the making of the decision.

You will receive by mail a written final determination by the Township Manager on behalf of the Township.

-OR-

2. File an appeal with the Office of Open Records or judicial, legislative or other appeals officer designated under Section 503(d) within fifteen (15) business days of the mailing date of the agency's response or within fifteen (15) business days of a deemed denial. The appeal shall state the grounds upon which the requestor asserts that the record is a public record, legislative record or financial record and shall address any grounds stated by the agency for delaying or denying the request.

The Pennsylvania Office of Open Record can be reached at:

Commonwealth of Pennsylvania
Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17120-0225
PH: 717-346-9903
FAX: 717-425-5343
openrecords@state.pa.us

[Print name of Township Manager or Designated Employee]

[Print Title of Township Manager or Designated Employee]

[Signature of Township Manager or Designated Employee]

610-814-64_____

[Direct Telephone Number of Employee]

Bethlehem Township Municipal Building
4225 Easton Avenue
Bethlehem, PA 18020

[Business Address of Employee]

Date of this Notice: _____

List of Records to which this Notice applies [*Note: this section must be completed whenever access to any record has been denied.*]

Office of Open Records – Official RTKL Fee Structure

Updated September 15, 2016

Record Type / Delivery Method	Fee
Black & White Copies	Up to \$0.25 per copy. ¹
Color Copies	Up to \$0.35 per copy. ²
Specialized Documents ³	Up to actual cost.
Records Delivered via Email	No additional fee may be imposed. ⁴
CD / DVD	Up to actual cost, not to exceed \$3.00 per disc.
Flash Drive	Up to actual cost.
Facsimile	Up to actual cost. ⁵
Other Media	Up to actual cost.
Redaction	No additional fee may be imposed. ⁶
Conversion to Paper	Up to \$0.25 per page. ⁷
Photographing a Record	No additional fee may be imposed. ⁸
Postage	Up to actual cost of USPS first-class postage.
Certification of a Record	Up to \$5.00 per record. ⁹

¹ A “copy” is either a single-sided copy on 8.5”x11” paper, or one side of a double-sided copy on 8.5”x11” paper.

² A “copy” is either a single-sided copy on 8.5”x11” paper, or one side of a double-sided copy on 8.5”x11” paper. Note that a requester may ask for black and white copies even if the original is in color and color copies are available.

³ Including, but not necessarily limited to, non-standard sized documents and blueprints.

⁴ If a requester asks to receive records which require redactions in electronic format, an agency may print the records to provide for secure redaction, then scan them in for delivery by email. Accordingly, the agency may charge the fees noted above for either B&W or color copies, as appropriate.

⁵ If an agency must print records to send them by facsimile, the agency may charge the fees noted above for B&W copies.

⁶ If a requester seeks records requiring redaction, an agency may copy or print the records to provide for secure redaction. Accordingly, the agency may charge the fees noted above for either B&W or color copies, as appropriate.

⁷ If a record is only maintained electronically or in other non-paper 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, unless the requester specifically requests for the record to be duplicated in the more expensive medium. *See §1307(e)*.

⁸ This assumes the requester is using his or her own camera, such as a cellphone camera, to photograph the records. *See Muenz v. Township of Reserve, OOR Dkt. AP 2015-1021, 2015 PA O.O.R.D. LEXIS 1176*. If redaction is required prior to the requester being granted access to photograph records, an agency may copy or print the records to provide for secure redaction. Accordingly, the agency may charge the fees noted above for either B&W or color copies, as appropriate.

⁹ Under the RTKL, an agency may impose “reasonable fees for official certification of copies if the certification is at the behest of the requester and for the purpose of legally verifying the public record.” The OOR recommends no more than \$5 per record to certify a public record. Certification fees do not include notarization fees.

Additional Notes

Fees May Be Waived: All fees established herein may be waived at the discretion of the agency.

Other Statutory Fees: If a statute other than the RTKL governs the amount an agency may charge for a certain type of record, the other statute controls. For example, a Recorder of Deeds may charge a copy fee of 50 cents per uncertified page and \$1.50 per certified page (42 P.S. § 21051). Police departments may charge up to \$15 for a copy of a vehicle accident report (75 Pa.C.S. §3751 (b)(2)); the Philadelphia Police Department may charge up to \$25 per copy (Id. at (b)(3)). State police are authorized to charge “\$5 for each copy of the Pennsylvania State Police full report of investigation.” (75 Pa.C.S. §1956(b)). Other examples include the History Code, the Municipalities Planning Code, and the Criminal History Record Information Act.

Inspection of Redacted Records: If a requester wishes to inspect, rather than receive copies of, records which contain both public and non-public information, the agency may redact the non-public information. An agency may not charge the requester for the redaction itself. However, an agency may charge (in accordance with the OOR’s Official Fee Structure) for any copies it must make in order to securely redact the material before allowing the requester to view the records. If, after inspecting the records, the requester chooses to obtain the copies, no additional fee may be charged.

Enhanced Electronic Access: If an agency offers enhanced electronic access to records in addition to making the records accessible for inspection and duplication by a requester, the agency may establish user fees specifically for the provision of the enhanced electronic access. The user fees for enhanced electronic access may be a flat rate, a subscription fee for a period of time, a per-transaction fee, a fee based on the cumulative time of system access, or any other reasonable method and any combination thereof. Such fees shall not be established with the intent or effect of excluding persons from access to records or duplicates thereof or of creating profit for the agency. **NOTE: Fees for enhanced electronic access must be reasonable and must be pre-approved by the OOR. Please [submit enhanced electronic access fee requests to the OOR.](#)**

Fee Limitations: Except as otherwise provided by statute, the RTKL states that no other fees may be imposed unless the agency necessarily incurs costs for complying with the request, and such fees must be reasonable. No fee may be imposed for an agency’s review of a record to determine whether the record is a public record subject to access under the RTKL. No fee may be charged for searching for or retrieval of documents. An agency may not charge staff time or salary for complying with a RTK request. No fee may be charged for an agency’s response letter.

Prepayment: Prior to granting a request for access in accordance with the RTKL, an agency may require a requester to prepay an estimate of the fees authorized under this section if the fees required to fulfill the request are expected to exceed \$100. Once the request is fulfilled and prepared for release, the OOR recommends that the agency obtain payment prior to releasing the records.

Questions: If you have any questions regarding the OOR’s Official Fee Structure, please [contact the OOR](#) (email: openrecords@pa.gov, telephone: 717-346-9903).