


**OOR**

Office of Open Records

## OFFICIAL RTKL FEE SCHEDULE

Section 1307 of the Right-To-Know Law (RTKL) requires the Office of Open Records (OOR) to establish a fee schedule for Commonwealth agencies and local agencies. The RTKL requires the OOR to review the fee schedule biannually.

*The OOR adopted this Official RTKL Fee Schedule on Oct. 15, 2018.*

<b>Record Type / Delivery Method</b>	<b>Fee</b>
Black & White Copies	Up to \$0.25 per copy. (1)
Color Copies	Up to \$0.50 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	Up to \$5.00 per record. (9)

## Footnotes:

1. A "copy" is either a single-sided copy, or one side of a double-sided copy, on 8.5"x11" or 8.5"x14" paper.
2. A "copy" is either a single-sided copy, or one side of a double-sided copy, on 8.5"x11" or 8.5"x14" 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(d)*.
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.
- **Medium Requested:** 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. *See § 701*.
- **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.

## More About Enhanced Electronic Access Fees

The RTKL permits agencies to offer enhanced electronic access for records in addition to making records available to the public through other means. Pursuant to Section 1307(e) of the RTKL, the OOR must approve any user fees established for enhanced electronic access. After receiving approval from the OOR, an agency may charge a fee for the use of its enhanced electronic access system.

To date, the OOR has issued the following approvals under Section 1307(e):

- Department of State - Notary Public Master Lists & Related Electronic Data (PDF) - Aug. 3, 2018

- Department of Conservation and Natural Resources - Subscription to PA\*IRIS Partnership (PDF) - May 12, 2011
- Department of State - Corporate Filings Subscription Agreement & UCC Filings Subscription Agreement (PDF) - May 29, 2009
- Dean v. Lycoming County (OOR Dkt. 2009-0282) - Specialized GIS Files (PDF) - FD Issued May 29, 2009

## Enhanced Electronic Access Fee Application Form

Agencies seeking approval of fees for enhanced electronic access under Section 1307(e) of the RTKL should complete this form and submit it to the OOR:

Enhanced Electronic Access Fee Application Form