

OOOR Updates RTKL Fee Schedule

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Section 1307 of the Right-To-Know Law requires the Office of Open Records (“OOOR”) to establish a fee schedule for Commonwealth agencies and local agencies like municipalities and school districts. On December 22, 2020, the OOOR updated the RTKL Fee Schedule and:

- Maintained the allowable charge for black and white copies at “up to \$0.25 per copy” for the first 1,000 copies.
- Reduced the allowable charge for black and white copies to “up to \$0.20 per copy” for any copies beyond 1,000.
- Reduced the allowable charge for a CD or DVD from “up to actual cost, not to exceed \$3.00 per disc” to “up to actual cost, not to exceed \$1.00 per disc.”
- Clarified (in footnotes 4, 6 and 8) that agencies cannot charge for records they are able to redact securely by electronic means.

These footnotes state:

4. (Records Delivered via Email or Other Electronic Method): If a requester asks to receive records which require redactions in electronic format and the agency is unable to securely redact the records by electronic means, 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.

6. (Redaction): If a requester seeks records requiring redaction and the agency is unable to securely redact the records by electronic means, 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.

8. (Photographing a Record): 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 and the agency is unable to securely redact the records by electronic means, 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.

Open Records Officers should review their fee schedules and policies and adjust them as necessary.

If you have any questions or comments, please do not hesitate to contact Chris Voltz or any of the other Municipal and School Attorneys at Tucker Arensberg, P.C.