

# **ALLEGHENY COUNTY POLICY GOVERNING ACCESS TO PUBLIC RECORDS**

## **PREAMBLE**

The purpose of this policy is to assure compliance with the new Pennsylvania Right-to-Know Law, Act 3 of 2008, (hereinafter “the Act”) by appointing a Open Records Officer for Allegheny County, by establishing procedures under which a requester can obtain access to a “record” kept or maintained by County departments and agencies (or by a third party in possession of a record on behalf of County departments or agencies) while minimizing the negative financial and administrative impact to the County with respect to the resources utilized in the receipt and processing of requests for access to public records, and by promulgating a schedule of fees for duplication of public records.

Nothing in this Policy shall be construed or interpreted in any way to limit the number of records of the County which may be requested or made available for inspection or to require the disclosure of the purpose or motive of any individual in requesting access to materials which are a record under the Act or the individual’s intended use of the record.

## **SCOPE OF POLICY**

This policy is applicable only to County departments and agencies under the supervision of the County’s Chief Executive. Independently elected County officers (the Controller, Treasurer, Sheriff, District Attorney and Allegheny County Council), the Allegheny County Court of Common Pleas and County-created authorities are not subject to this policy.

## **NOTICE OF POLICY**

Copies of this policy shall be physically posted in a conspicuous location at all County departments and agencies under the supervision of the County’s Chief Executive. A copy of this policy and related forms shall be posted on the Allegheny County Website along with a link to the website of the Commonwealth’s Office of Open Records.

## **POLICY GUIDELINES AND PROCEDURES**

### **1. DEFINITIONS**

All of the definitions and exceptions set forth in the Act are incorporated by reference in their entirety herein. The phrase “access to a record” as used in this policy shall mean either to inspect or review the record in person or to be provided with a copy of the record in the medium requested. A complete list of the exceptions set forth in the Act is attached as Exhibit “B”.

### **2. COUNTY OPEN RECORDS OFFICER**

#### **A. Appointment**

(1) Pursuant to Section 502 (a) of the Act, the Director of Administrative Services is hereby designated to serve as the Open Records Officer of Allegheny County.

(2) To facilitate the processing of requests for access to a record, each department and agency under the supervision of the County’s Chief Executive is authorized and directed to designate an appropriately qualified person within that department or agency to serve as an assistant Open Records Officer. The assistant Open Records Officer in each department and agency under the supervision of the County’s Chief Executive shall assist the Open Records Officer of the County in promptly responding to requests for access to a record.

(3) The Open Records Officer and the assistant Open Records Officers within the respective County departments and agencies, with the advice and assistance of the County Solicitor, shall be the persons within County government immediately responsible for implementing the guidelines for operation of Allegheny County’s policy regarding inspection of records and for assuring compliance in the first instance with the Act.

#### **B. Duties of Open Records Officer**

(1) The County’s Open Records Officer shall do all of the following:

(a) receive all requests for access to a record either (i) kept or maintained by departments and agencies under the jurisdiction of the County’s Chief Executive; or (2) in the possession of a third party with whom the County has contracted to perform a governmental function on behalf of the County which directly relates to the governmental function and is not exempt under the Act;

(b) direct requests for access to a record within a particular County department or agency or to the designated Assistant Open Records Officer within that particular County department or agency for review, identification and retrieval of the record;

(c) track the County's progress in responding to requests; and

(d) issue interim and final responses to a requester regarding the grant or denial of access to the record.

(2) Upon receiving a request for access to a record, the County's Open Records Officer shall do all of the following:

(a) Note the date of the receipt on every written request for access to a record;

(b) Compute the day on which the five-day period under Section 901 of the Act will expire and make a notation of that date on the written request.

(c) Maintain an electronic or paper copy of a written request, including all documents submitted with the request, until the request has been fulfilled. If the written request is denied, the written request shall be maintained for 30 days or, if an appeal is filed under the Act, until a final determination is issued under Section 1101 (b) of the Act or the appeal is denied.

(d) Create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.

C. **Duties of Assistant Open Records Officers**

(1) The assistant Open Records Officers within the respective County departments and agencies shall do all of the following:

(a) Identify the existence of a purported record;

(b) Locate the record and retrieve of a record either from within that department or agency or from the possession of a third party with whom the County has contracted to perform a governmental function on behalf of the County which directly relates to the governmental function and is not exempt under the Act;

- (c) Forward such records to the County Open Records Officer;
- (d) Assist the County Solicitor in the determination as to whether the record or any part thereof is exempt from access;
- (e) Keep the County Open Records Officer informed of the status of a request; and
- (f) Perform such other duties as assigned by the County Open Records Officer deemed necessary to achieve compliance with the requirements of the Act.

**3. REQUESTS FOR ACCESS TO A PUBLIC RECORD**

**A. Written Requests; Use of Standard Request Form**

All requests for access to a record of a County department or agency shall be submitted in writing. Persons requesting access to records are encouraged to utilize the Pennsylvania Office of Public Records form entitled "*STANDARD RIGHT-TO-KNOW REQUEST FORM*", a copy of which is attached hereto as "Form 1." To facilitate the submission of a written request for access to a record, all County departments and agencies shall be provided with a copy of Form 1 that a requester may use to request access to a record.

**B. Method of Submission of Written Request**

A written request for access to a record may be submitted in person, by mail, by e-mail or by facsimile and must be addressed to the County Open Records Officer. Any written requests for access to records that are submitted directly to a County department or agency shall be forwarded to the County Open Records Officer by the Assistant Open Records Officer within that department or agency; provided however, that the time period for a written response to a request for access to a record shall not commence until the County Open Records Officer's receipt of the written request.

**C. Name and Address of Requester**

All written requests for access to a public record which are not made on the STANDARD RIGHT-TO-KNOW REQUEST FORM must include the name and address to which the County should address its response to the request.

D. **Specificity of Request**

In submitting a written request for access to a public record or in filling out Form, the requester shall be specific in identifying and describing each record that he/she wishes to inspect. Failure to describe the record or records that the requester wishes to inspect with sufficient specificity shall serve as a basis for the denial of the request. A written request, however, does not need to include any explanation of the requester's reason for requesting access to the record or the intended use of the record.

4. **RESPONSE TO REQUESTS FOR ACCESS TO A RECORD**

A. **General Rules**

(1) Upon receipt of a written request for access to a record, the County's Open Records Officer shall make a good faith effort to determine: (a) if the material requested is a record and, if it is a record, whether it is exempted under the Act; and (b) whether the County has possession, custody or control of the identified record; and to respond as promptly as possible under the circumstances existing at the time of the request.

(2) Payment of all applicable fees shall be a condition to receiving access to the record requested.

B. **Time Period for Response to Request**

The County's Open Records Officer shall respond in writing to the requester within five (5) business days from the date of receipt of the written request. If the County's Open Records Officer does not respond within five (5) business days of receipt of the written request for access to a public record(s), the request for access to the record(s) shall be deemed to be denied.

C. **Possible Responses to Request**

The County's Open Records Officer may respond to a request for access to a public record within five (5) business days of receipt of the written request for access as follows: (1) written notice that the request for access to the public record is granted; or (2) written notice that the request is under review for the reasons set forth in Section 902 (a) of the Act; or (3) written notice that the request to inspect the public record has been granted in part and denied in part; or (4) written notice that the request to inspect the public record has been denied.

D. **Response: Notice of Access Granted**

(1) **Time and Manner of Access** - If access to a public record requested is granted, the record shall be made available for inspection during the regular business hours of the County. The Open Records Officer or his/her designee shall cooperate fully with the requester, while also taking reasonable measures to protect records from the possibility of theft and/or modification. All records made available for inspection shall be examined or inspected by a requester under the supervision of an employee designated by the Open Records Officer. Such supervision may include a requirement that the record shall be inspected or examined in the physical presence of the designated employee.

(2) **Medium for Providing Access** - A record being provided to a requester shall be provided in the medium requested if it exists in that medium; otherwise, the record shall be provided in the medium in which it exists.

(3) **Electronic Access** – In addition to providing access to a record by personal inspection of the record, the County Open Record Officer may respond to a request by notifying the requester that the record is available through publicly accessible electronic means or that the County will provide access to inspect the record by electronic means. If the requester is unwilling or unable to access the record by electronic means, the requester may, within 30 days following receipt of notification by the County Open Records Officer that the record is available for inspection by electronic means, submit a written request to the County Open Records Officer to have the record created to paper. The County Open Records Officer shall provide access to the record by causing the record to be printed onto paper within 5 days of the receipt of the written request for conversion of the record from an electronic form to paper; provided however, that the requester pays the applicable fee for the printing (copying) of the record.

(4) **No Obligation to Create a Record** - In no case shall the County be required to create a record which does not exist or to compile, maintain, format or organize a record in a manner in which the County does not currently compile, maintain, format or organize the record.

E. **Response Notice of Request Under Review**

(1) Upon receipt of a written request for access to a public record, the County's Open Records Officer shall determine if one of the following conditions applies:

(a) The request for access requires redaction of a record in accordance with Section 706 of the Act; or

(b) The request for access requires retrieval of a record from a remote location; or

(c) A timely response cannot be accomplished due to staffing limitations; or

(d) A legal review by the County's Law Department is necessary to determine whether the record requested is subject to access; or

(e) The requester has failed to comply with the County's policy and procedure requirements; or

(f) The requester refuses to pay the applicable fees; or

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

(2) Upon a determination that one of the factors listed in Paragraph (1) above applies, the County Open Records Officer shall send written notice to the requester within five business days of the request for access. The written notice shall set forth the following: (a) a statement notifying the requester that the request for access is being reviewed; (b) the reason for the review; (c) a reasonable date that a response is expected to be provided; and (d) an estimate of the applicable fees owed when the record becomes available. If the date that a response is expected to be provided is in excess of 30 days, following the five business days allowed for in Section 901 of the Act and Paragraph B of this Policy, the request for access shall be deemed denied unless the requester has agreed in writing to an extension to the date specified in the notice stating that the request is under review. If the requester agrees to the extension, then the request shall be deemed denied on the day following the date specified in the notice if there is no other response provided by the County Records Officer by that date.

**F. Response Notice of Request Denied in Whole or Denied in Part**

(1) **Denial in Writing** - If the County Open Records Officer's response is a denial of a written request for access to a record, whether the denial is in whole or in part, the denial shall be in writing.

(2) **Content of Written Denial** - The written notice denying the request shall set forth the following: (a) a description of the record(s) requested; (b) the specific reason(s) for the denial, including a citation of supporting legal authority; (c) the typed or printed name, title, business address, business telephone of the County Open Records Officer on whose authority the denial is issued; and (d) the date of the notice of the response denying in whole or in part the request for access.

(3) **Denial in Whole – Disruptive Requests** – As authorized by Section 506 (a) (1) of the Act, a written request for access to a record can be denied if the requester had made repeated requests for that same record and the repeated requests have placed an unreasonable burden on the County.

(4) **Denial in Whole – Disaster or Damage** - As authorized by Section 506 (b) (1) of the Act, a written request for access to a record can be denied (i) when timely access is not possible due to fire, flood or other disaster; or (ii) when access may, in the professional judgment of the curator or custodian, cause physical damage or irreparable harm to records consisting of historical, ancient or rare documents, records, archives and manuscripts.

(5) **Denial in Part due to Redactions** – As authorized by Section 706 of the Act, the County reserves the right to redact any and all information from a record that is not subject to access. Information which the County redacts in accordance with the Act shall be deemed a denial of access to the redacted information.

(6) **Denial in Whole or in Part – Exemptions** – The County reserves the right to deny access to a record in whole or in part where the record or any part is exempt from access under Section 708 (b) of the Act; provided however, that the County shall bear the burden of proving that the record or part thereof is exempt from access.

## **5. APPEAL OF DENIALS OF REQUESTS FOR ACCESS TO A RECORD**

If a written request for access to a record is denied, whether in whole or in part, or is deemed denied, the requester may file an appeal with the Commonwealth's Office of Open Records and thereafter with the Allegheny County Court of Common Pleas as provided by Section 1101 and 1302 of the Act.

## **6. FEES AND CHARGES**

### **A. Payment of All Applicable Fees**

Payment of all applicable fees shall be a condition to receiving access to the record requested. (See Section 4 above).

### **B. Incorporation of Office of Open Records Fee Structure**

Section 1307 of the Act requires the Commonwealth's Office of Open Records to establish a fee structure for Commonwealth Agencies and Local Agencies. Allegheny County is a local agency under the Act. The fee structure established by the Commonwealth's Office of Open Records for Local Agencies is incorporated by reference in its entirety herein and attached hereto as Exhibit "B." The fee structure established by the Commonwealth's Office of Open Records for Local Agencies also can be reviewed at <http://openrecords.state.pa.us>.

C. **Prepayment of Estimated Fees**

In the event the estimated cost of fulfilling a request to duplicate records submitted under this Policy is expected to exceed \$100.00, the County's Open Records Officer or his designate shall obtain fifty percent (50%) of the expected cost in advance of fulfilling the request to avoid unwarranted expense of County resources.

7. **AUTHORITY**

This Policy is being implemented pursuant to authority granted by Section 504 (a) of the Act.

8. **EFFECTIVE DATE**

This Policy shall be effective as of January 1, 2009.

## Exhibit A

### Exceptions

1. A record, the disclosure of which:
  - (i) would result in the loss of Federal or State funds by an agency or the Commonwealth; or
  - (ii) would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual.
2. A record maintained by an agency in connection with the military, homeland security, national defense, law enforcement or other public safety activity that, if disclosed, would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection activity or a record that is designated classified by an appropriate Federal or State military authority.
3. A record, the disclosure of which creates a reasonable likelihood of endangering the safety or the physical security of a building, public utility, resource, infrastructure, facility or information storage system, may include:
  - (i) documents or data relating to computer hardware, source files, software and system networks that could jeopardize computer security by exposing a vulnerability in preventing, protecting against, mitigating or responding to a terrorist act;
  - (ii) lists of infrastructure, resources and significant special events, including those defined by the Federal Government in the National Infrastructure Protections, which are deemed critical due to their nature and which result from risk analysis; threat assessments; consequences assessments; antiterrorism protective measures and plans; counterterrorism measures and plans; and security and response needs assessments; and
  - (iii) building plans or infrastructure records that expose or create vulnerability through disclosure of the location, configuration or security of critical systems, including public utility systems, structural elements, technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage and gas systems.
4. A record regarding computer hardware, software and networks, including administrative or technical records, which, if disclosed, would be reasonably likely to jeopardize computer security.
5. A record of an individual's medical, psychiatric or psychological history or disability status, including an evaluation, consultation, prescription, diagnosis or

treatment; results of tests, including drug tests; enrollment in a health care program or program designed for participation by persons with disabilities, including vocation rehabilitation, workers' compensation and unemployment compensation; or related information that would disclose individually identifiable health information.

6. (i) The following personal identification information:
    - (a) A record containing all or part of a person's Social Security number, driver's license number, personal financial information, home, cellular or personal telephone numbers, personal e-mail addresses, employee number or other confidential personal identification number.
    - (b) A spouse's name, marital status or beneficiary or dependent information.
    - (c) The home address of a law enforcement officer or judge.
  - (ii) Nothing in this paragraph shall preclude the release of the name, position, salary, actual compensation or other payments or expenses, employment contract, employment-related contract or agreement and length of service of a public official or an agency employee.
  - (iii) An agency may redact the name or other identifying information relating to an individual performing an undercover or covert law enforcement activity from a record.
7. The following records relating to an agency employee:
    - (i) A letter of reference or recommendation pertaining to the character or qualifications of an identifiable individual, unless it was prepared in relation to the appointment of an individual to fill a vacancy in an elected office or an appointed office requiring Senate confirmation.
    - (ii) A performance rating or review.
    - (iii) The result of a civil service or similar test administered by a Commonwealth agency, legislative agency or judicial agency. The result of a civil service or similar test administered by a local agency shall not be disclosed if restricted by a collective bargaining agreement. Only test scores of individuals who obtained a passing score on a test administered by a local agency may be disclosed.
    - (iv) The employment application of an individual who is not hired by the agency.

- (v) Workplace support services program information.
  - (vi) Written criticisms of an employee.
  - (vii) Grievance material, including documents related to discrimination or sexual harassment.
  - (viii) Information regarding discipline, demotion or discharge contained in a personnel file. This subparagraph shall not apply to the final action of an agency that results in demotion or discharge.
  - (ix) An academic transcript.
8. (i) A record pertaining to strategy or negotiations relating to labor relations or collective bargaining and related arbitration proceedings. This subparagraph shall not apply to a final or executed contract or agreement between the parties in a collective bargaining procedure.
- (ii) In the case of the arbitration of a dispute or grievance under a collective bargaining agreement, an exhibit entered into evidence at an arbitration proceeding, a transcript of the arbitration or the opinion. This subparagraph shall not apply to the final award or order of the arbitrator in a dispute or grievance procedure.
9. The draft of a bill, resolution, regulation, statement of policy, management directive, ordinance or amendment thereto prepared by or for an agency.
10. (i) A record that reflects:
- (a) The internal, predecisional deliberations of an agency, its members, employees or officials or predecisional deliberations between agency members, employees or officials and members, employees or officials of another agency, including predecisional deliberations relating to a budget recommendation, legislative proposal, legislative amendment, contemplated or proposed policy or course of action or any research, memos or other documents used in the predecisional deliberations.
  - (b) The strategy to be used to develop or achieve the successful adoption of a budget, legislative proposal or regulation.
- (ii) Subparagraph (i)(a) shall apply to agencies subject to 65 Pa.C.S. Ch. 7 (relating to open meetings) in a manner consistent with 65 Pa.C.S. Ch. 7. A record which is not otherwise exempt from access under this act and

which is presented to a quorum for deliberation in accordance with 65 Pa.C.S. Ch. 7 shall be a public record.

- (iii) This paragraph shall not apply to a written or Internet application or other document that has been submitted to request Commonwealth funds.
  - (iv) This paragraph shall not apply to the results of public opinion surveys, polls, focus groups, marketing research or similar effort designed to measure public opinion.
11. A record that constitutes or reveals a trade secret or confidential proprietary information.
  12. Notes and working papers prepared by or for a public official or agency employee used solely for that official's or employee's own personal use, including telephone message slips, routing slips and other materials that do not have an official purpose.
  13. Records that would disclose the identity of an individual who lawfully makes a donation to an agency unless the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public official or employee of the agency, including lists of potential donors compiled by an agency to pursue donations, donor profile information or personal identifying information relating to a donor.
  14. Unpublished lecture notes, unpublished manuscripts, unpublished articles, creative works in progress, research-related material and scholarly correspondence of a community college or an institution of the State System of Higher Education or a faculty member, staff employee, guest speaker or student thereof.
  15.
    - (i) Academic transcripts.
    - (ii) Examinations, examination questions, scoring keys or answers to examinations. This subparagraph shall include licensing and other examinations relating to the qualifications of an individual and to examinations given in primary and secondary schools and institutions of higher education.
  16. A record of an agency relating to or resulting in a criminal investigation, including:
    - (i) Complaints of potential criminal conduct other than a private criminal complaint.
    - (ii) Investigative materials, notes, correspondence, videos and reports.

- (iii) A record that includes the identity of a confidential source or the identity of a suspect who has not been charged with an offense to whom confidentiality has been promised.
  - (iv) A record that includes information made confidential by law or court order.
  - (v) Victim information, including any information that would jeopardize the safety of the victim.
  - (vi) A record that, if disclosed, would do any of the following:
    - (a) Reveal the institution, progress or result of a criminal investigation, except the filing of criminal charges.
    - (b) Deprive a person of the right to a fair trial or an impartial adjudication.
    - (c) Impair the ability to locate a defendant or codefendant.
    - (d) Hinder an agency's ability to secure an arrest, prosecution or conviction.
    - (e) Endanger the life or physical safety of an individual.  
This paragraph shall not apply to information contained in a police blotter as defined in 18 Pa.C.S. § 9102 (relating to definitions) and utilized or maintained by the Pennsylvania State Police, local, campus, transit or port authority police department or other law enforcement agency or in a traffic report except as provided under 75 Pa.C.S. § 3754(b)(relating to accident prevention investigations).
17. A record of an agency relating to a noncriminal investigation, including:
- (i) Complaints submitted to an agency.
  - (ii) Investigative materials, notes, correspondence and reports.
  - (iii) A record that includes the identity of a confidential source, including individuals subject to the act of December 12, 1986 (P.L. 1559, No. 169), [FN25] known as the Whistleblower Law.
  - (iv) A record that includes information made confidential by law.
  - (v) Work papers underlying an audit.
  - (vi) A record that, if disclosed, would do any of the following:

- (a) Reveal the institution, progress or result of an agency investigation, except the imposition of a fine or civil penalty, the suspension, modification or revocation of a license, permit, registration, certification or similar authorization issued by an agency or an executed settlement agreement unless the agreement is determined to be confidential by a court.
  - (b) Deprive a person of the right to an impartial adjudication.
  - (c) Constitute an unwarranted invasion of privacy.
  - (d) Hinder an agency's ability to secure an administrative or civil sanction.
  - (e) Endanger the life or physical safety of an individual.
18. (i) Records or parts of records, except time response logs, pertaining to audio recordings, telephone or radio transmissions received by emergency dispatch personnel, including 911 recordings.
- (ii) This paragraph shall not apply to a 911 recording, or a transcript of a 911 recording, if the agency or a court determines that the public interest in disclosure outweighs the interest in nondisclosure.
19. DNA and RNA records.
20. An autopsy record of a coroner or medical examiner and any audiotape of a postmortem examination or autopsy, or a copy, reproduction or facsimile of an autopsy report, a photograph, negative or print, including a photograph or videotape of the body or any portion of the body of a deceased person at the scene of death or in the course of a postmortem examination or autopsy taken or made by or caused to be taken or made by the coroner or medical examiner. This exception shall not limit the reporting of the name of the deceased individual and the cause and manner of death.
21. (i) Draft minutes of any meeting of an agency until the next regularly scheduled meeting of the agency.
- (ii) Minutes of an executive session and any record of discussions held in executive session.
22. (i) The contents of real estate appraisals, engineering or feasibility estimates, environmental reviews, audits or evaluations made for or by an agency relative to the following:

- (a) The leasing, acquiring or disposing of real property or an interest in real property.
    - (b) The purchase of public supplies or equipment included in the real estate transaction.
    - (c) Construction projects.
  - (ii) This paragraph shall not apply once the decision is made to proceed with the lease, acquisition or disposal of real property or an interest in real property or the purchase of public supply or construction project.
23. Library and archive circulation and order records of an identifiable individual or groups of individuals.
24. Library archived and museum materials, or valuable or rare book collections or documents contributed by gift, grant, bequest or devise, to the extent of any limitations imposed by the donor as a condition of the contribution.
25. A record identifying the location of an archeological site or an endangered or threatened plant or animal species if not already known to the general public.
26. A proposal pertaining to agency procurement or disposal of supplies, services or construction prior to the award of the contract or prior to the opening and rejection of all bids; financial information of a bidder or offeror requested in an invitation for bid or request for proposals to demonstrate the bidder's or offeror's economic capability; or the identity of members, notes and other records of agency proposal evaluation committees established under 62 Pa.C.S. § 513 (relating to competitive sealed proposals).
27. A record or information relating to a communication between an agency and its insurance carrier, administrative service organization or risk management office. This paragraph shall not apply to a contract with an insurance carrier, administrative service organization or risk management office or to financial records relating to the provision of insurance.
28. A record or information:
- (i) identifying an individual who applies for or receives social services; or
  - (ii) relating to the following:
    - (a) the type of social services received by an individual;
    - (b) an individual's application to receive social services, including a record or information related to an agency decision to grant, deny,

reduce or restrict benefits, including a quasi-judicial decision of the agency and the identity of a caregiver or others who provide services to the individual; or

- (c) eligibility to receive social services, including the individual's income, assets, physical or mental health, age, disability, family circumstances or record of abuse.

29. Correspondence between a person and a member of the General Assembly and records accompanying the correspondence which would identify a person that requests assistance or constituent services. This paragraph shall not apply to correspondence between a member of the General Assembly and a principal or lobbyist under 65 Pa.C.S. Ch. 13A (relating to lobbying disclosure).
30. A record identifying the name, home address or date of birth of a child 17 years of age or younger.

**Exhibit B**

**Fee Structure Established by Office of Open Records**

<b>Record Type</b>	<b>Fee</b>
<b>Copies:</b> ( A “photocopy” is either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5” x 11” page )	\$0.25 per page.
<b>Certification of a Record:</b>	\$1 per record, not per page. Please note that certification fees do not include notarization fees.
<b>Specialized documents :</b> For example, but not limited to, blue prints, color copies, non-standard sized documents	Actual Cost
<b>Facsimile/Microfiche/Other Media:</b>	Actual Cost
<b>Redaction Fee:</b>	No Redaction Fee May be Imposed
<b>Conversion to Paper:</b>	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. (Sec. 1307(e)).
<b>Postage Fees:</b>	Fees for Postage May Not Exceed the Actual Cost of Mailing

**Please Also Be Advised:**

- **Statutory Fees:** If a separate statute authorizes an agency to charge a set amount for a certain type of record, the agency may charge no more than that statutory amount. For example, a Recorder of Deeds may charge a copy fee of 50 cents per uncertified page and \$1.50 per certified page under 42 P.S. § 21051. Police departments have the authority to charge up to \$15 per report for providing a copy of a vehicle accident report. 75 Pa.C.S. §3751 (b)(2). Philadelphia police 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).

- **Inspection of Redacted Records:** If a requester wishes to inspect rather than receive a copy of a record and the record contains both public and non-public information, the agency shall redact the non-public information. An agency may not charge the requester for the redaction. However, the Agency may charge for the copies it must make of the redacted material in order for the requester to view the public record. The fee structure outlined above will apply. 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, but only to the extent that the enhanced electronic access is in addition to making the records accessible for inspection and duplication by a requester as required by this Act. 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. **The user fees for enhanced electronic access must be reasonable, must be pre-approved by the Office of Open Records and 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.** Please submit any request to the

Office of Open Records  
400 North Street  
Harrisburg , PA. 17120

*[Note: to be determined]*

- **Fee Limitations:** Except as otherwise provided by statute, the law 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, legislative record or financial record subject to access in accordance with this Act. 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.

- **Prepayment:** Prior to granting a request for access in accordance with this Act, 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 Office of Open Records recommends that the agency obtain the cost of the records prior to releasing the records. This recommendation is designed to avoid situations in which the agency provides the records and the requester fails to submit payment.



# COUNTY OF ALLEGHENY

## STANDARD OPEN RECORDS 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 to identify 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

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**\*\*\* FOR COUNTY USE ONLY \*\*\***

OPEN RECORDS OFFICER: \_\_\_\_\_

DATE RECEIVED BY COUNTY: \_\_\_\_\_

COUNTY FIVE-DAY RESPONSE DUE: \_\_\_\_\_

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*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)*