



October 6, 2021

Via email only

J. Chadwick Schnee, Esq.  
chadwick@tucker-hull-law.com

RE: Request for Advisory Opinion

Dear Mr. Schnee:

The Office of Open Records (“OOR”) is in receipt of your request for an Advisory Opinion concerning body camera footage received from a police department through a request made under Act 22 of 2017, and specifically a disclaimer that purports to prohibit the copying and dissemination of said footage.

The OOR respectfully declines to issue an Advisory Opinion in this matter, as requests for police video recordings are not subject to the Right-to-Know Law, 42 Pa.C.S. § 67A02, or the OOR’s jurisdiction, 42 Pa.C.S. § 67A06.

Sincerely,

/s/ Kyle Applegate  
Kyle Applegate  
Chief Counsel

Cc: Elizabeth Wagenseller, Executive Director  
Nathanael Byerly, Deputy Director

## DC, OpenRecords

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**From:** Chadwick Schnee <chadwick@tucker-hull-law.com>  
**Sent:** Monday, October 4, 2021 12:56 PM  
**To:** DC, OpenRecords  
**Subject:** [External] Advisory Opinion request - Act 22 of 2017  
**Attachments:** 20210927\_182102.jpg; disclaimer for WTPD docs videos photo etc.JPG

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Dear Executive Director Wagenseller,

Please kindly accept this email as a request for an advisory opinion concerning a request for a recording under Act 22 of 2017. No litigation is pending before either the OOR or a court on the issues involved.

My client sought a video recording of body camera footage from a public meeting from the Warminster Police Department, and a copy of this request is attached to this email. The Police Department granted access to the video; however, the video has the attached language stating that the video “is to be used ... by the requestor only” and that “[a]ny other use, copying, dissemination or misuse of said items can result in criminal or civil prosecution.”

My client believes that, as a public record, no restrictions can be placed on her use of the record. My client may wish to post a copy of the video footage on a public website and is understandably concerned that doing so may subject her to criminal and civil prosecution.

In the RTKL context, it is my understanding that no restrictions can be placed on a requester’s use of a public record. Can a law enforcement agency receiving a request under Act 22 of 2017 limit a requester’s ability to disseminate and copy a recording of video footage?

To the extent that any additional information or documentation would assist your review, I would certainly be happy to provide such information.

Thank you.

**J. Chadwick Schnee, Esq.**



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# Law Enforcement Recording Request Form – Act 22 of 2017

This form can be used to request law enforcement recordings ("any audio recording or video recording made by a law enforcement agency") under Act 22 of 2017. Note that the Right-to-Know Law does not apply to such recordings. Any denials must be appealed to the appropriate Court of Common Pleas, not the Office of Open Records.

SUBMITTED TO AGENCY NAME: Warminster Police Department (Attn: AORO)

Date of Request: 09/19/2021 Submitted via:  U.S. Mail  In Person  
*(Act 22 requires requests to be submitted via "personal delivery or certified mail.")*

## PERSON MAKING REQUEST:

Name: Stacey Hill Company (if applicable): \_\_\_\_\_

Mailing Address: 962 Independence Rd

City: Warminster State: PA Zip: 18974 Email: staceykhill@gmail.com

Telephone: 267-885-5670 Fax: \_\_\_\_\_

How do you prefer to be contacted if the agency has questions?  Telephone  Email  U.S. Mail

**RECORDING REQUESTED:** Requests must be submitted within **60 days** of the event recorded. **All of the following information is required.** Be thorough; use additional pages if necessary.

Date and Time of the Event: Tuesday, September 14, 2021 8:14pm thru 8:27pm

Location of the Event: Centennial School District Administration Building, 48 Swan Way, 18974

Describe the Event:

School Board Meeting - Specifically seeking Officer Donnelly's footage

Describe Your Relationship to the Event:

Resident and Parent. Wife and Mother of the 2 people removed from the public meeting.

*If the Event Occurred in a Residence, Identify All People Present (unless unknown & not reasonably ascertainable):*

*If an Act 22 request is granted, the agency may charge "reasonable fees" to provide a copy of the recording.*

**Please notify me if fees associated with this request will be more than  \$100 (or)  \$\_\_\_\_\_.**

## ITEMS BELOW THIS LINE FOR AGENCY USE ONLY

Tracking: \_\_\_\_\_ Date Received: \_\_\_\_\_ Response Due (30 cal. days): \_\_\_\_\_

Extension?  Yes  No (If Yes, Final Due Date: \_\_\_\_\_) Actual Response Date: \_\_\_\_\_

Request was:  Granted  Partially Granted & Denied  Denied Cost to Requester: \$ \_\_\_\_\_

NOTE: In most cases, a completed Request Form is a public record.  
More information about Act 22 is available at <https://www.openrecords.pa.gov>

Form updated March 16, 2020  
by the Office of Open Records

**Disclaimer:**

The information, documents, reports, photos, videos or any other items received by the requester from Warminster Police Department is to be used only for its intended lawful purpose and by the requestor only. Any other use, copying, dissemination or misuse of said items can result in criminal or civil prosecution.