

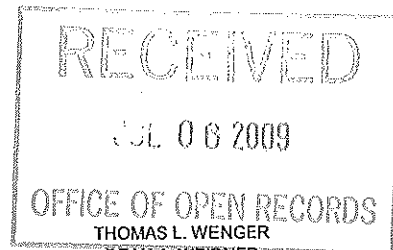
RICHARD H. WIX  
STEVEN C. WILDS  
THERESA L. SHADE WIX \*  
DAVID R. GETZ  
STEPHEN J. DZURANIN  
JEFFREY C. CLARK  
PETER G. HOWLAND

\* Also Member Massachusetts Bar

## WIX, WENGER & WEIDNER

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW  
508 NORTH SECOND STREET  
POST OFFICE BOX 845  
HARRISBURG, PENNSYLVANIA 17108-0845

(717) 234-4182  
FAX (717) 234-4224  
www.wwpalaw.com



Suburban Office:  
4705 DUKE STREET  
HARRISBURG, PA 17109-3041  
(717) 652-8455

July 2, 2009

Commonwealth of Pennsylvania  
Executive Director  
Office of the Open Records  
400 North Street  
Harrisburg, PA 17120

Re: Request for Advisory Opinion – Attorney invoices  
Our File No.: 3385/12929

Dear Executive Director:

This is to request an Advisory Opinion regarding the ability for a municipality to charge a requestor for copying costs associated with viewing attorney bills (or any other records containing information that is not subject to public access) that may require redaction. Under the Pennsylvania Right to Know Law, attorney invoices are public records subject to review by the public. However, pursuant to Section 706 of the Right to Know Law, information that is not subject to be reviewed by the public may be redacted from a record that would otherwise be accessible. Regarding attorney invoices, any number of exceptions would apply to information not subject to the Open Records Law.

We understand that a governmental entity may charge fees for photocopying documents provided to a requestor. However, such fees may not be charged for a requestor who simply wishes to view the records in the municipality's administrative office.

In order to properly redact the requested records, it is necessary to make photocopies of the original documents so as not to redact the originals and preserve the integrity thereof. We wish to charge the requestor for the cost of photocopying the documents in preparation for such redaction. Please provide us with a written Advisory Opinion as to whether we may charge the standard fees for such photocopies regardless of whether the requestor receives those documents or only reviews them in the administrative office after redaction has been completed.

## WIX, WENGER & WEIDNER

The Commonwealth of Pennsylvania  
July 2, 2009  
Page 2

This matter is not the subject of current pending litigation; however, has arisen out of an actual Right to Know request made to a municipal client of the undersigned.

Please respond to the undersigned as soon as possible and in the timeframe set forth by the guidelines of the Advisory Opinion provision of your office.

If you wish to discuss this matter or have any questions that need clarification, please contact the undersigned. Thank you.

Sincerely,

Wix, Wenger & Weidner

By:

  
Stephen J. Dzurani

SJD/jey



October 27, 2009

Stephen J. Dzurainin  
Wix, Wenger & Weidner  
PO Box 845  
508 North Front Street  
Harrisburg, PA 17120

**Re: Request for Advisory Opinion**

Dear Mr. Dzurainin:

Thank you for writing to the Office of Open Records ("OOR") with your request for an Advisory Opinion pursuant to the Right-to-Know Law, 65 P.S. §§67.101, *et seq.* ("RTKL").

You asked the OOR whether the RTKL allows agencies to charge a requester for copying costs associated with viewing attorneys bills (or any other records containing information that is not subject to public access) that may require redaction. I have attached a copy of your letter for your convenience.

Please be advised that the OOR has decided not to grant this request for an Advisory Opinion at this time. We are declining to accept this request because ***the request seeks response to general questions without presenting sufficient specific facts to which the law may be applied.*** However, the OOR provides the following guidance with respect to the question you pose.

This office has interpreted the RTKL to allow agencies to charge standard copying fees (no more than \$0.25 per page at this time pursuant to the fee structure adopted by the OOR at: [http://openrecords.state.pa.us/portal/server.pt/community/open\\_records/4434/fees/481854](http://openrecords.state.pa.us/portal/server.pt/community/open_records/4434/fees/481854) and posted on the OOR website) for records it must redact prior to inspection. Here is the relevant portion of the OOR's statement on this subject:

**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.

Thank you for your inquiry. We will reflect this response on the OOR website.

Respectfully,



Terry Mutchler  
Executive Director