



**pennsylvania**  
OFFICE OF OPEN RECORDS

May 12, 2011

Susan Wood, Esquire  
Department of Conservation and  
Natural Resources  
Office of Chief Counsel  
Rachel Carson State Office Bldg.  
7<sup>th</sup> Floor  
400 Market Street  
PO Box 8767  
Harrisburg, PA 17105

**Re: Enhanced Electronic Access Fee**

Dear Attorney Wood:

We are in receipt of your letter dated March 3, 2011, in which you ask the Office of Open Records ("OOR") to approve the user fees established by the Department of Conservation and Natural Resources ("DCNR") for subscriptions to PA\*IRIS Partnership, an online records system. Pursuant to Section 1307(e) of the Right-to-Know Law ("RTKL"), the OOR must approve of the user fees established for advanced electronic access.

After reviewing the information provided we hereby approve the user fees established by DCNR for subscriptions to PA\*IRIS as more fully set forth in your letter.

We find that DCNR has met each prong of the test set forth in the RTKL Section 1307(e) as follow:

- 1) enhanced electronic access is provided in addition to the information being otherwise available:
  - a. Free access is available at Middletown or Pittsburgh offices
  - b. Paper copies available at \$0.25 per page or free if .pdf electronic files
- 2) the fees are based on a clearly set forth subscription fee and are reasonable:
  - a. Subscription fee of \$5,000 initial fee plus \$500 per year provides 24/7 access to 160,000 records
  - b. Fee includes software licensing, training, and technical support
  - c. Joint membership allowed to enable users to share fee
- 3) the fees have not been established with the intent or effect of excluding persons from access to records; and
  - a. enhances access to 24/7 access
  - b. multiple users may share membership fee



**pennsylvania**  
OFFICE OF OPEN RECORDS

- 4) the fees were not established with the intent or effect of creating a profit for the agency.
  - a. Fee based upon cost of offering program
  - b. No profit has accrued

Please note that a copy of this letter and yours dated March 3, 2011 will be placed on the Office of Open Records' website for public review.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dena Lefkowitz', written in a cursive style.

Dena Lefkowitz  
Chief Counsel