

Joel S. Barras
Direct Phone: +1 215 241 7990
Email: jbarras@reedsmith.com

Reed Smith LLP
2500 One Liberty Place
1650 Market Street
Philadelphia, PA 19103-7301
+1 215 851 8100
Fax +1 215 851 1420
reedsmith.com

March 26, 2009

Terry Mutchler
Executive Director
Office of the Open Records
400 North Street
Harrisburg, PA 17120.

Request for an Advisory Opinion

Dear Ms. Mutchler:

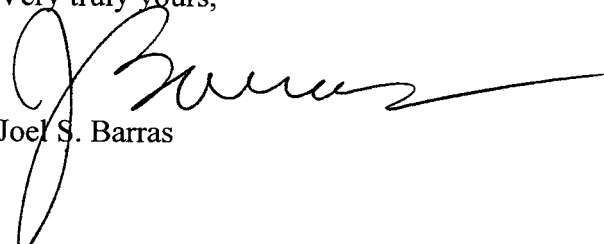
I am seeking an Advisory Opinion from your office on the following question:

Whether the exception identified at 65 PS § 67.708(12), or any other such exception, excludes from the definition of public record for purposes of the Right to Know Act an audio or video recording of an agency's public meeting taken for the sole purpose of assisting an agency official or employee to transcribe the minutes of that meeting? If an exception does apply, is an agency required to disclose at the beginning of the meeting that the meeting is being recorded solely for the purpose of assisting an official or employee transcribed the meeting minutes.

This question arises from your office's recent Final Determination in Meyerson v. Chalfont Borough, AP 2009-0052 (3/5/2009). That case specifically noted that the Borough had not raised whether these recordings fall within a statutory exception to the Right to Know Law's definition of public record. No litigation is pending with regard to this issue or this request.

If you have any questions or you need additional information, please feel free to contact me.

Very truly yours,



Joel S. Barras



October 27, 2009

Joel S. Barras
ReedSmith LLP
2500 One Liberty Place
1650 Market Street
Philadelphia, PA 19103-7301

Re: Request for Advisory Opinion

Dear Mr. Barras:

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"). I have attached a copy of your letter for your convenience.

You asked the OOR whether recordings of public meetings are public records when they are taken for the sole purpose of assisting an agency official employee to transcribe the minutes of that meeting.

Please be advised that the OOR has decided not to grant this request for an Advisory Opinion because we issued a similar advisory opinion on February 17, 2009, a copy of which we have also enclosed with this letter. You can also find it on the OOR website at <https://www.dced.state.pa.us/public/oor/ao/RecordingofMeetings.pdf>.

In short, under the RTKL, an audio or video recording of a public meeting, even if taken only to assist agency employees or officials in transcribing minutes of that meeting, is a public record.

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

Respectfully,


Terry Mutchler
Executive Director