

**County of Berks**  
**Right to Know Policy and Procedure**  
**January 1, 2009**  
**Revised May 21, 2021, August 30, 2024**

**I. PURPOSE**

**A. General Purposes**

1. The general purpose of this policy is:

(a) to recognize the value of open government by making information available to the public, memorializing the County's commitment to continually improve access to public information and fostering public participation in the decision-making process;

(b) to provide for access to public records in the possession of the County consistent with the Right-to-Know Law, 65 P.S. §§ 67.101-3104, which creates a presumption of openness regarding the records of the County;

(c) to appoint a County Open Records Officer who will oversee the implementation of the County Right-to-Know Policy;

(d) to provide a written framework outlining the procedures and policies necessary to provide for access to records as contemplated under the Right-to-Know Law; and

(e) to provide for prompt and timely responses to requests for records made under the Right-to-Know Law.

**II. ESTABLISHMENT OF COUNTY OPEN RECORDS OFFICER**

**A. Appointment of Open Records Officer**

1. All requests for public records shall be administered by the applicable Open Records Officer. The County Open Records Officer will ensure that the procedures described herein are followed.

2. The County Open Records Officer shall serve as the Open Records Officer for all County agencies, except as listed below. Requests should be directed to the County Open Records Officer at the following address:

Title: County Open Records Officer  
Address: 13th Floor Services Center  
633 Court Street  
Reading, PA 19601  
Phone: 610-478-6136  
Fax: 610-478-6293  
Email: Countyopenrecordsofficer@berkspa.gov

3. Pennsylvania's Right-to-Know Law distinguishes between Commonwealth, local agency, legislative and judicial records. Judicial records include the records of Court Administration, Adult Probation, Juvenile Probation, Court Reporters, Domestic Relations, Magisterial District Justice Offices and the Law Library. Requests for these records fall outside this policy and should be directed to:

Title: Court Open Records Officer  
Address: District Court Administration  
7th Floor Courthouse 633 Court Street CH  
Reading, PA 19601  
Phone: 610-478-6208  
Fax: 610-478-6366  
Email: Courtopenrecordsofficer@berkspa.gov

4. Requests seeking records from the Prothonotary's Office must be sent to the Open Records Officer for the Prothonotary's Office. Requests for these records fall outside this policy and should be directed to:

Title: Prothonotary Open Records Officer  
Address: Berks County Prothonotary  
Berks County Courthouse 633 Court Street, 2nd Floor  
Reading, PA 19601  
Phone: 610-478-6970  
Email: jdelcollo@berkspa.gov

5. Requests seeking records from the Berks County District Attorney's Office must be sent to the Open Records Officer for the Berks County District Attorney's Office. Requests for these records fall outside this policy and should be directed to:

Title: Berks County District Attorney's Office Open Records Officer  
Address: Berks County District Attorney's Office  
5th Floor Services Center  
633 Court Street  
Reading, PA 19601  
Fax: 610-478-6002  
Email: da@berkspa.gov

6. Requests seeking records from the Berks County Sheriff's Office must be sent to the Open Records Officer for the Berks County Sheriff's Office. Requests for these records fall outside this policy and should be directed to:

Title: Sheriff's Office Open Records Officer  
Address: 3rd Floor Courthouse  
633 Court Street  
Reading, PA 19601  
Fax: 610-478-6222  
Email: rtkrequests@berkspa.gov

7. Requests seeking records from the Berks County Office of the Coroner must be sent to the Open Records Officer for the Berks County Office of the Coroner. Requests for these records fall outside this policy and should be directed to:

Title: Office of the Coroner Open Records Officer  
Address: Office of the Coroner  
1047 MacArthur Road, Suite 200  
Reading, PA 19605  
Fax: 610-478-3289  
Email: coroner@berkspa.gov

8. Requests seeking records from the Berks County Clerk of Courts Office must be sent to the Open Records Officer for the Berks County Clerk of Courts Office. Requests for these records fall outside this policy and should be directed to:

Title: Berks County Clerk of Courts Open Records Officer  
Address: 4th Floor Courthouse  
633 Court Street  
Reading, PA 19601  
Fax: 610-478-6570  
Email: COC@berkspa.gov

### **III. PROCEDURE FOR REQUESTING PUBLIC RECORDS**

#### **A. Form and Nature of Requests**

1. The County will only fulfill written requests (including email or fax) for access to records made pursuant to the Right-to-Know Law under this policy. The County, in its discretion, may choose to fulfill informal requests, verbal requests and requests that are not addressed to the County Open Records Officer outside the Right-to-Know Law. The County will not fulfill anonymous requests. If the Requester wishes to pursue the relief and remedies provided for under the Right-to-Know Law (i.e., pursue an appeal of a denial) the request must be in writing and be addressed to the County Open Records Officer as more fully set forth below.

2. Requests must describe the records sought with sufficient specificity to enable the County to ascertain which records are being requested. All Right-to-Know Law requests must be submitted on the uniform request form created by the Pennsylvania Office of Open Records, available at <https://www.co.berks.pa.us/Dept/Commissioners/Pages/CountyOpenRecordsOffice.aspx>. Requesters must fully complete **all** fields of the uniform request form in order to be processed, including name and a physical street address or a post office box address. The County Open Records Officer may instruct the Requester to resubmit a completed form or decline to further process a request because of a Requester's failure to submit a complete form as required by this policy.

3. A request will only be considered to have been "addressed" to the County Open Records Officer if the request either 1) is made on the uniform request form created by the Pennsylvania Office of Open Records; 2) is sent to the mailing address or e-mail address of the County Open Records Officer (Countyopenrecordsofficer@countyofberks.com); 3) contains the words "Right-to-Know," "RTKL," "open records," "FOIA," or "freedom of information;" or 4) contains a statutory citation to any provision within the Right-to-Know Law.

4. All Right-to-Know Law requests that are addressed to the County Open Records Officer but received by another County employee must be forwarded to the County Open Records Officer.

5. The County Open Records Officer shall deny all requests received by the County Open Records Officer that seek records of the Judiciary, the Prothonotary's Office, the Recorder of Deeds, the Register of Wills, the Berks County District Attorney's Office, the Berks County Sheriff's Office, the Office of the Coroner or the Berks County Clerk of Courts Office as misdirected and shall direct the Requestor to submit their request to the appropriate Open Records Officer for those entities.

6. If a request states that both inspection and duplication of a single set of records is sought, the County, in its discretion, may choose to provide access to public records by either allowing the requester to inspect records or by producing copies of records.

#### **IV. OPERATING PROCEDURES FOR RESPONSES TO REQUESTS**

##### **A. Duties of County Open Records Officer**

1. The County Open Records Officer shall:

(a) within five (5) business days of the County Open Records Officer's receipt of a written request, note the date the request was received, record the request in a spreadsheet, compute the day that the five-business day response period expires and make a notation of that date on the request;

(b) prepare, review, sign, issue and log an extension notice, if necessary;

(c) initiate a thorough search or inquiry for the records requested and determine whether they are public records as provided under the Right-to-Know Law;

(d) notify contractors or other third parties of the request, if necessary;

prepare, review, sign, issue and log a written response; and

(e) notify legal counsel of the request, if necessary.

(f) retain requests, information submitted with requests, related communications and the County's response for two (2) years in accordance with the County Records Manual.

##### **B. Grant of Request for Records**

1. If the County Open Records Officer determines that some or all of the requested records are available, the written response shall grant access to records upon the payment of applicable fees, if any, and state the applicable reason(s), if any, for denying access to responsive records or parts of responsive records.

2. When granting access to records, the County Open Records Officer may issue:

(a) a response that includes a copy of the requested record. The County may provide records on paper, electronically through email or by other means;

(b) a response notifying the Requester that the records are available through publicly accessible electronic means such as a website;

(c) a response that grants access to records upon the payment of the applicable fees;

(d) a response seeking to schedule a time for a Requester to inspect records;

or  
a response indicating that all or a portion of requested records will be available upon prepayment if the cost exceeds One Hundred Dollars (\$100.00) of applicable fees, including duplication and postage costs.

3. If a Requester fails to retrieve the requested records within sixty (60) days of the County's response, the County may dispose of any copies that have not been retrieved by the Requester and retain any fees paid to date. A Requester will be considered to owe all applicable fees for records produced in response to a request, regardless of whether a Requester actually retrieves the records prior to their disposal.

### **C. Denial of Request for Public Records**

1. If the County Open Records Officer determines that a request for records should be denied, in whole or in part, the denial shall be issued in writing. The denial letter shall include:

(a) a description of the record requested;

(b) the specific reasons for the denial, including a citation of supporting legal authority;

(c) contact information for the County Open Records Officer, along with a signature or email signature;

(d) the date of the response; and

(e) the procedure to appeal the denial.

2. If an outstanding fee for records requested under the Right-to-Know Law is owed to the Judiciary, the Prothonotary's Office, the Recorder of Deeds, the Register of Wills, the Berks County District Attorney's Office, the Berks County Sheriff's Office or the Office of the Coroner, the County Open Records Officer may deny access to Right-to-Know Law requests until the outstanding balance is paid to the appropriate agency.

3. In the event that the County declares a disaster under the provisions of 35 Pa.C.S. § 7501, the County Open Records Officer may temporarily delay or deny access to records in accordance with 65 P.S. § 67.506(b).

**D. Fees**

1. The County shall follow as closely as possible the fee schedule adopted by the Pennsylvania Office of Open Records, unless contrary to statutory law. Notwithstanding this fee schedule, the following fees shall be applicable to requests for access to public records made pursuant to the Right-to-Know Law:

- (a) standard size, black and white photocopying fees – \$0.25 per page (first 1,000/\$0.20 beyond 1,000);
- (b) double-sided, standard size, black and white photocopying fees - \$0.25 per side/\$0.50 per paper (first 1,000 sides - \$0.20 per side/\$0.40 per paper beyond 1,000);
- (c) standard size color photocopying fees – \$0.50 per page;
- (d) certification of a public record – \$5.00 per record certified;
- (e) facsimile/microfiche/other media – actual cost established by the County;
- (f) CDs / DVDs – \$1.00 per disc;
- (g) USB/Flash Drive – Up to actual cost;
- (h) specialized documents (for example, blueprints, color copies, non-standard sized documents) – actual cost established by the County;
- (i) conversion to paper – 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;
- (j) postage fees – actual cost of first-class postage. Where a requester asks that a response be mailed through certified mail, Priority Mail or other means, the County will assess the actual cost of such mailing;
- (k) exempt record fee – if the County exercises its discretion to release a record exempt under the Right-to-Know Law, the County may assess a fee of one dollar (\$1.00) per page; and
- (l) necessarily-incurred fees – actual cost.

2. The above list is not exhaustive. Additional fees may apply for specialized printing or copying or for specific types of records. Prior to printing or copying any such record, the County shall inform the Requestor of the projected costs.

3. The County, in its sole discretion, may choose to waive the fees for duplication of public records if the County determines that it is in the public interest to do so or if a requester has duplicated the record through using his or her own equipment.

4. If a request is made outside of the Right-to-Know Law, the County may assess fees outside of this policy.

5. All fees are required to be paid at the time the request is granted.

## V. APPEALS

### A. **Appealing the County's Response**

1. The Right-to-Know Law provides an appeal process through the Pennsylvania Office of Open Records and/or the Office of the District Attorney of Berks County.

2. Except in the case of criminal investigative records, if a Requester wishes to dispute the denial of a request, the Requester must notify the Pennsylvania Office of Open Records in writing of his/her desire to appeal the decision. The requester's appeal must include true and correct copies of the requester's request and the County's response, in its entirety. The requester's appeal must state the grounds upon which the requester asserts that the record is a public record and must address any grounds stated by the County for delaying or denying the request. The appeal shall be in writing and can be submitted by sending to the following address:

Commonwealth of Pennsylvania  
Office of Open Records  
333 Market Street, 16th Floor  
Harrisburg, PA 17101-2234

the following e-mail address: [openrecords@pa.gov](mailto:openrecords@pa.gov); or by completing the Office of Open Records Online Appeal Form at <https://www.openrecords.pa.gov/Appeals/AppealForm.cfm>.

3. Denials of requests for criminal investigative records in possession of the County must be directed to the Appeals Officer with the Office of the District Attorney of Berks County. The Appeals Officer is designated by the District Attorney and shall determine if the record requested is a criminal investigative record. The Requester's appeal must state the grounds upon which the Requester asserts that the record is a public record and must address any grounds stated by the County for delaying or denying the request.

4. The appeal must be received by the applicable Appeals Officer within fifteen (15) business days of the mailing date indicated on the County's response. If the County did not timely issue a response, the appeal must be filed within fifteen (15) business days of the date the request was deemed denied.



October 9, 2025

Amanda Bentzel, Chief Clerk  
Berks County Solicitor's Office  
633 Court Street, 14th Floor  
Reading, PA 19601

Re: Enhanced Electronic User Fee Request

Dear Attorney Bentzel,

The Office of Open Records (OOR) has reviewed your application submitted on May 30, 2025, in which you requested approval of a fee schedule for the provision of Delinquent Tax Set Data.

Pursuant to Section 1307(e) of the Right-to-Know Law, the fee schedule for enhanced electronic access is hereby approved.

A copy of your request and this response will be posted on the OOR website.

If you have additional questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Liz Wagenseller".

Liz Wagenseller  
Executive Director

## Enhanced Electronic Access Fee Request

The Right-to-Know Law ("RTKL") permits agencies to offer enhanced electronic access for records in addition to making records available to the public through other means. Pursuant to Section 1307(e) of the RTKL, the Office of Open Records ("OOR") must approve any user fees established for enhanced electronic access. After receiving approval from the OOR, an agency may charge a fee for the use of its enhanced electronic access system. Agencies seeking approval of fees for enhanced electronic access should complete this form and submit it to the OOR. [More information is available at the OOR website.](#)

### Agency Information

Agency: County of Berks

Contact: Amanda Bentzel, Chief Clerk

Agency Street Address: 633 Court Street, 13th Floor

City: Reading State: PA Zip: 19601

Agency Phone: 610-478-6136, ext. 6105

Email: countyopenrecordsofficer@berkspa.gov

### About the Proposed Enhanced Electronic Access Fee

Which of the following best describes the proposed user fee? Check all that apply:

- Flat rate
- Per transaction
- Subscription for a specified period of time
- Cumulative time of system access
- Other (Describe here: \_\_\_\_\_)

Amount of proposed fee: \$500.00

Please check all of the following that apply:

- The records made available through enhanced electronic access supplements and does not replace access under the RTKL.
- The enhanced electronic access fee is not intended to exclude, or effectually exclude, persons from accessing records under the RTKL.
- The agency has not established an enhanced electronic access fee with the intent of creating a profit for the agency.

Describe the records available via enhanced electronic access (attach additional pages if necessary):

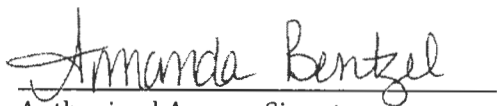
The County would like to make available to the public, the entire delinquent tax data set for a flat rate of five hundred dollars (\$500.00).

Justification for the proposed user fee (attach additional pages if necessary):

As a comparison for market conditions, Cambria County charges a five hundred fifty dollar fee (\$550.00) for the delinquent tax data set. See <https://www.cambriacountypa.gov/tax-claim/#82-85-data-request-form>. Clarion County charges a seven hundred seventy-five dollar (\$775.00) fee for the delinquent tax data set. See [https://www.co.clarion.pa.us/government/departments/tax\\_claim/index.php](https://www.co.clarion.pa.us/government/departments/tax_claim/index.php). On June 17, 2019, the OOR issued an approval to Dauphin County for a five hundred dollar (\$500.00) fee for the delinquent tax data set. Additionally, on March 15, 2021, the OOR issued an approval to Monroe County for fees ranging from \$13.25 to \$498.75, depending upon the number of records requested, ranging from 1 to 10001 records. In the recent Final Determination in the matter of Josh Brown v. Berks County, OOR Dkt. 2025-0593, the OOR determined that the five hundred dollar (\$500.00) fee was appropriate. (See attached page.)

### Agency Signature

I hereby make the preceding statements subject to the penalties set forth in 18 Pa. C.S. § 4904, relating to unsworn falsifications to authorities.



Authorized Agency Signature  
(Signature Required)

Date: 5/29/2025

Submit completed form to:

Office of Open Records  
333 Market Street, 16th Floor  
Harrisburg, PA 17101-2234  
Fax: (717) 425-5343  
Email: [openrecords@pa.gov](mailto:openrecords@pa.gov)

**County of Berks, Enhanced Electronic Access Fee Request** – continuation of “Justification of proposed user fee”:

The OOR approved a flat rate fee of five hundred dollars (\$500.00) for the entire delinquent tax file for Dauphin County on June 17, 2019. Berks County notes that the request that was approved for Dauphin County was also for the delinquent tax data set, and Berks County is seeking to charge the same fee. It is not clear from Dauphin County’s application what the per parcel fee would be for the five hundred dollar (\$500.00) fee. Dauphin County provided fees from sixteen counties to “compare market conditions,” including Berks County. The least expensive fee was charged by Mifflin County, which charged two hundred fifty dollars (\$250.00). The most expensive fee charged was five hundred seventy dollars (\$570.00), charged by Carbon County. Twelve of the sixteen counties listed charge five hundred dollars (\$500.00) at that time: Susquehanna, Cambria, Butler, Forest, Warren, Fulton, Clarion, Elk, Erie, Sullivan, Wyoming and Berks.

The responsive data set to the request in the recent OOR Final Determination, *Josh Brown v. Berks County*, OOR Dkt. 2025-0593, contained six thousand eight hundred thirty-two (6,832) records. Given the five hundred dollar (\$500.00) fee, this results in a fee of \$0.07 per record. Prior OOR Final Determinations have found that Section 1307(b)(4) of the RTKL permits agencies to charge similar fees per parcel. *Noto and Zillow Group, Inc. v. Luzerne County*, OOR Dkt. 2024-0697 (CAMA data sought; approving a fee of \$0.06/parcel); *Noto and Zillow Group, Inc. v. Adams County*, OOR Dkt. 2024-0696 (CAMA data sought; approving a fee of \$0.06/parcel); *Noto and Zillow Group, Inc. v. Lehigh County*, OOR Dkt. 2024-0664 (CAMA data sought; approving a fee of \$0.10/parcel); *Noto and Zillow Group, Inc. v. Mifflin County*, OOR Dkt. 2024-0663 (CAMA data sought; approving a fee of \$0.06/parcel); *Rogg and Loveland Technologies, LLC v. Susquehanna County*, OOR Dkt. AP 2023-0769 (property assessment data sought; approving a fee of \$0.10/parcel); *Moran v. Susquehanna County*, OOR Dkt. AP 2018-1983, (property assessment data sought; approving a fee of \$0.08/parcel); *Moran v. Wayne County*, OOR Dkt. AP 2018-1997 (property assessment data sought; approving a fee of \$0.07/parcel); *Black Knight Real Estate Data Solutions v. Cambria County*, OOR Dkt. AP 2016-0512 (property assessment data sought; approving a fee of \$0.05/parcel); *Campbell v. County of Bucks*, OOR Dkt. AP 2013-1201 (approving a fee of \$0.09/parcel); *Kearns v. Monroe County*, OOR Dkt. AP 2010-1185 (property assessment data sought; approving a fee of \$0.029/parcel); *Shockley v. Northumberland County*, OOR Dkt. AP 2010-0601 (approving a fee of \$0.043/parcel); *Kozloski v. Susquehanna County*, OOR Dkt. AP 2009-0976 (property assessment data sought; approving a fee of \$0.08/parcel). In cases ranging from 2009 – 2024, the OOR has found that per parcel fees of \$0.0029 to \$0.10 are reasonable market value for the responsive data. The County’s fee of \$0.07 per parcel falls within that range, and as such, is a reasonable market value for the responsive data.