

BEFORE THE PENNSYLVANIA OFFICE OF OPEN RECORDS

Appeal of Matthew D. Dowling :
Requester : OOR Appeal # _____
 :
v. :
 :
Fayette County Recorder of Deeds Office :
Agency :
 :

APPEAL OF PREPAYMENT DEMAND

BACKGROUND

On June 9, 2026, the Fayette County Recorder of Deeds Office issued a prepayment notice stating that approximately 860 pages of responsive records had been identified. The Office asserted that if Requester wished to inspect the records, approximately 775 pages would first need to be printed in order to securely redact non-public information before inspection.

The Office therefore demanded prepayment of \$387.50 prior to inspection and \$430.00 for copies.

Requester challenges the prepayment demand because it is based upon the unnecessary creation of paper copies of records that exist in digital format and can be electronically redacted using readily available technology.

GROUND FOR APPEAL

I. THE OFFICE HAS NOT ESTABLISHED THAT PRINTING IS NECESSARY

The Office's prepayment notice states that approximately 775 pages must be printed in order to securely redact non-public information. The notice provides no explanation for this assertion and identifies no technological limitation, legal requirement, or operational necessity requiring paper redaction.

II. THE RESPONSIVE RECORDS EXIST IN DIGITAL FORMAT

The requested records concern, in part, expenditures from the Recorder of Deeds Automation Fund, as well as other records maintained by the Recorder of Deeds Office. The responsive records are believed to exist in electronic format and to be maintained through digital systems utilized by the Office in the ordinary course of business.

III. MODERN ELECTRONIC REDACTION TOOLS ELIMINATE THE NEED FOR PAPER COPIES

Government agencies throughout Pennsylvania routinely redact records electronically. Modern software platforms, including Adobe Acrobat and similar document management tools, provide permanent and secure electronic redaction functionality specifically designed for governmental, legal, and records-management environments.

IV. THE PREPAYMENT DEMAND IMPROPERLY SHIFTS THE COST OF THE OFFICE'S INTERNAL WORKFLOW TO THE REQUESTER

Requester did not request paper copies, manual redaction, or conversion of electronic records into paper records. The proposed duplication fees therefore arise from the Office's chosen internal workflow rather than from the nature of the request itself.

V. THE OFFICE'S POSITION IS INCONSISTENT WITH THE PURPOSE OF THE AUTOMATION FUND

The requested records concern, in part, expenditures from the Recorder of Deeds Automation Fund.

To the extent the responsive records include expenditures from the Recorder of Deeds Automation Fund, those records relate to a fund established to support technological modernization, records management

improvements, operational efficiencies, and other technology-related functions of the Office.

The Office's assertion that approximately 775 pages must be physically printed in order to perform redactions appears inconsistent with the purpose of automation funding and inconsistent with modern governmental records-management practices utilized throughout the Commonwealth of Pennsylvania.

Commonwealth agencies, courts, counties, municipalities, and records custodians routinely utilize electronic document management systems and electronic redaction tools to review and produce records. Modern software platforms, including Adobe Acrobat and similar products, provide permanent and secure electronic redaction functionality specifically designed for governmental and legal environments.

The Office has not identified any technological limitation, legal requirement, or operational necessity requiring approximately 775 pages to be printed before access may be provided. Nor has the Office explained why electronic redaction tools cannot be utilized for records that already exist in electronic format.

If Automation Fund expenditures have been used to modernize office operations, the Office should be capable of electronically reviewing, redacting, and producing digital records without generating hundreds of pages of paper copies.

VI. THE OFFICE ROUTINELY UTILIZES ELECTRONIC RECORDS AND ELECTRONIC PUBLICATION

The Recorder of Deeds Office routinely publishes Right-to-Know Law responses and related materials through electronic means. This practice demonstrates that the Office possesses the capability to maintain, transmit, and disseminate records digitally.

VII. THE PREPAYMENT DEMAND CREATES AN UNREASONABLE BARRIER TO PUBLIC ACCESS

The stated purpose of the Right-to-Know Law is to promote transparency and public access to governmental records.

The Office's notice does not state that the responsive records exist only in paper format. Rather, the notice states that the records must be printed for purposes of redaction. This distinction is significant. The issue presented is not whether paper records may be copied, but whether electronic records may be converted into paper records and then used as the basis for substantial duplication fees when electronic redaction technologies are readily available.

REQUEST FOR RELIEF

Requester respectfully requests that the Office of Open Records grant the appeal and require the Recorder of Deeds Office to justify its claimed necessity for printing responsive records, explain the availability of electronic redaction tools, and provide access through electronic review, redaction, and production consistent with the Right-to-Know Law.

Respectfully Submitted:

Matthew D. Dowling

Date