



## Right to Know Law

In accordance with Section 504 of the Right to Know Law, 65 P.S. § 67.101 et seq. (“RTKL”), the Pennsylvania Liquor Control Board (“PLCB”) sets forth the following information outlining the procedures and process regarding requests for records from the PLCB.

To facilitate access to documents of public interest and reduce the need for RTKL requests, the PLCB makes many documents available through its website. The PLCB also uploads contracts to the [Department of Treasury website](#).

### I. REQUESTS

A. Pursuant to Section 703 of the RTKL [65 P.S. § 67.703], a written request to the PLCB under the RTKL must:

1. Be addressed to the PLCB’s Agency Open Records Officer (“AORO”), David E. Brooker, at:

David E. Brooker  
Pennsylvania Liquor Control Board  
8 Northwest Office Building  
Harrisburg, PA 17124  
[ra-lbrtkl@pa.gov](mailto:ra-lbrtkl@pa.gov)  
Fax: 717.772.2391

2. Identify a name and address to which the PLCB should address the response;
3. State that the request is being made pursuant to the RTKL;
4. Be submitted in person, by mail, by email or by fax;
5. Be sufficiently specific to enable the PLCB to ascertain which records are being requested; and
6. Be from a person who is a legal resident of the United States.

B. While verbal requests may be fulfilled by the PLCB, a requestor cannot pursue the relief and remedies provided under the RTKL unless the request is in writing. [65 P.S. § 67.702]. Accordingly, the PLCB requests that all RTKL requests be in writing.

C. RTKL requests should be made on the form available at the [website of the Office of Open Records](#).

D. The regular business hours of the PLCB’s RTKL Office are 7:30 A.M. to 4:00 P.M., Monday through Friday. Any RTKL request received by the RTKL Office after the close of regular business hours shall be deemed to have been received by the office on the following business day.

### II. RESPONSES TO RTKL REQUESTS

The AORO may respond by providing a requester with access to inspect a record electronically or as otherwise maintained by the PLCB either:

1. By providing access in the office of the PLCB;
2. By sending a copy to the requester; or
3. By notifying the requester that the record is available through publicly accessible electronic means.



Each of these options is a “response” for purposes of the RTKL, as is the PLCB’s written notice to the requester granting, denying or partially granting and partially denying access to a record. The PLCB may send written responses to requesters by U.S. mail, by hand (in person or by delivery service), by fax or by email.

Unless a longer period of time is needed and communicated to the requester by an “interim response” (as discussed below), the RTKL requires that the PLCB respond to an RTKL request within five business days.

*Note: For purposes of determining the end of the five-business-day period, the day that a RTKL request is received is not counted. The first day of the five-day period is the PLCB’s next business day.*

#### **A. Interim Responses.**

The PLCB must provide a final response to a RTKL request within five business days unless one or more specific conditions are satisfied and the AORO gives the requester written notice that additional time will be required. [65 P.S. § 67.902]. That notice is referred to as an “interim response.”

The AORO may send an interim response if any of the following applies:

1. The RTKL request requires redaction of a public record;
2. The RTKL request requires retrieval of a public record from a remote location;
3. A response within five business days cannot be accomplished due to bona fide staffing limitations;
4. A legal review is necessary to determine whether the record requested is subject to access under the RTKL;
5. The requester has not complied with the PLCB’s policies regarding access to public records;
6. The requester has not complied with a demand for prepayment of fees, which are required to fulfill the RTKL and which are estimated to exceed \$100; further, if prepayment of fees is required by the PLCB, the time for response shall be tolled from the time the demand for payment is made until such time as payment is actually received; or
7. The extent and nature of the request precluded a response within the required time.

An interim response must:

1. Be sent to the requester on or before the last day of the five-business-day period;
2. State that the request is being reviewed and the reason for the review;
3. Provide an estimate of applicable fees owed when the record becomes available; and
4. State a reasonable date that a response is expected to be provided. This date must not be more than 30 calendar days from the end of the five-business-day period.

If the date of an expected response is in excess of the 30 days following the five days allowed for in Section 901 [65 P.S. § 67.901], the request will be deemed denied unless the requester has agreed in writing to the date specified in the notice.

### **B. Final Responses.**

There are three possible final responses. Either the request is:

1. Granted;
2. Denied; or
3. Granted in part and denied in part.

The failure to make a timely response is deemed to be a denial.

If a written request is denied in whole or in part, the PLCB will issue a final written response that will include an explanation of the procedure for the requester to appeal, if the requester chooses to do so. The written denial will also set forth the specific reasons for the denial, including citation of supporting legal authority, if any exist. If the denial is the result of a determination that the record requested is exempt from disclosure, the specific reasons for the PLCB's determination shall be included. [65 P.S. § 67.903].

### **C. Redaction.**

The PLCB will not deny access to a record based upon the fact that portions of the record are not public records and, therefore, not subject to disclosure. However, be advised that the PLCB will redact the portions that are not public records and produce the portions that are public records. [65 P.S. § 67.706].

### **D. Access.**

The PLCB may provide a requester with access to inspect a record electronically or as otherwise maintained by the PLCB, either:

1. By providing access in the offices of the PLCB;
2. By sending a copy to the requester; or
3. By notifying the requester that the record is available through publicly accessible electronic means.

The PLCB has the discretion to determine the building(s) and room(s) that will be utilized to provide a requester with access to the PLCB's public records. The selection of the building(s) and room(s) for access to the PLCB's public records is a matter within the discretion of the AORO.

The PLCB will provide a public record to a requester in the medium requested if the record exists in that medium. Otherwise the public record must be provided in the medium in which it currently exists. If a public record only exists in one medium, the PLCB is not required to convert that public record to another medium, except that if the public record is only available in electronic form, the PLCB will print out the record on paper if the requester so requests.

Please be advised that the PLCB is not required to create a public record that does not already exist, nor is it required to compile, maintain, format, or organize a public record in a manner in which the PLCB does not currently do so. [65 P.S. § 67.705].

### **E. Duplication of Public Records.**

The PLCB may in its discretion contract for duplication services and require the requester to pay the applicable rate.



### III. APPEALS

When a request is denied or deemed denied, whether in whole or in part, the requester may file an appeal with the Office of Open Records, where it will be assigned to an Appeals Officer. This appeal must be filed within 15 business days of the denial or deemed denial. The appeal must state the grounds upon which the requester asserts that the record is public and should address any grounds stated by the agency for denying the request. The appeal shall be sent to:

Commonwealth of Pennsylvania  
Office of Open Records  
Commonwealth Keystone Building  
400 North St., 4th Fl.  
Harrisburg, PA 17120-0225  
Phone: 717.346.9903  
Fax: 717.425.5343  
Email: [openrecords@pa.gov](mailto:openrecords@pa.gov)

A person other than the PLCB or the requester who has a direct interest in the record that is subject to an appeal has 15 days following actual knowledge of the appeal, but no later than the date the Appeals Officer issues an order, to file a written request to provide information or to appear before the Appeals Officer in support of the requester's or the PLCB's position in the appeal. The Appeals Officer may, but needs not, grant the request.

For more information on appeals, it is suggested that a requester review the [website of the Office of Open Records](#).

### IV. FEES

Applicable fees to be charged by the PLCB under the RTKL are:

#### A. Fees Determined by the Office of Open Records

Under the RTKL, the Office of Open Records has the authority to establish two fees for commonwealth agencies: Duplication, 65 P.S. §67.1307(b) and Enhanced Electronic Access (an agency may establish user fees, subject to approval by the Office of Open Records), 65 P.S. §67.1307 (e).

The fees for duplication are established by the Office of Open Records, as posted on [its website](#). The PLCB will charge a maximum of \$0.25 per page for duplication and currently does not have a fee for enhanced electronic access.

#### B. Specialized Fees

1. The PLCB will charge no more than \$5 per copy for certified copies, when requested by the requester.
2. The PLCB will charge the actual cost for postage, facsimile/microfiche or other media, as well as for specialized documents.
3. Special rules apply to fees for transcripts of administrative proceedings:
  - (i) Prior to an adjudication becoming "final, binding and non-appealable," transcripts may be requested through an agency; however, the stenographer or court reporter is permitted to charge the regular fee for this service.

- (ii) Following an adjudication becoming “final, binding and non-appealable,” a request for the transcript shall be treated like any other request for a record and the usual duplication fee of up to \$0.25 per page will be charged.

**C. Reasonable and Necessarily Incurred Costs**

As expressly provided by 65 P.S. §67.1307(g), the PLCB has the authority to charge requesters reasonable fees for necessarily incurred costs. The PLCB will determine and charge such fees on a case by case basis.

**D. General**

No charge shall be made for agency or legal review of the record to see whether the requested records are public records that are subject to production.

If the estimated fees that are required to fulfill the RTKL request exceed \$100, it may be necessary for the requester to pay the estimated amount in advance, either by certified check or by ordinary check, which must first have cleared to be considered received by the PLCB. The demand for prepayment may specify a reasonable period of time in which the requester must make such prepayment. If the requester fails to make prepayment within the specified time, the PLCB is not required to produce the records requested.

All applicable fees must be paid in order to receive access to the record requested. [65 P.S. § 67.901].