



August 3, 2018

Martha H. Brown, Assistant Counsel  
Pennsylvania Department of State  
Office of Chief Counsel  
306 North Office Building  
Harrisburg, PA 17120

Re: Enhanced Electronic Access User Fees Request

Ms. Brown,

The Office of Open Records (“OOR”) has reviewed your letter dated June 21, 2018, in which you requested approval of user fees for notary public master lists and other related electronic data pertaining to notary publics.

Pursuant to Section 1307(e) of the Right-to-Know Law (“RTKL”), the user fees for enhanced electronic access described in that letter are hereby approved.

A copy of your letter and this response will be posted to the OOR website.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Erik Arneson', with a long horizontal flourish extending to the right.

Erik Arneson  
Executive Director

RECEIVED

JUN 26 2018

OFFICE OF OPEN RECORDS



COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE OF GENERAL COUNSEL

June 21, 2018

Erik Arneson, Executive Director  
Commonwealth of Pennsylvania  
Office of Open Records  
333 Market Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17101-2234

Re: Enhanced Electronic Access User Fees

Dear Mr. Arneson:

Pursuant to 65 P.S. § 67.1307(e) of the Right to Know Law, user fees for enhanced electronic access to public records must be approved by the Office of Open Records. Please accept this letter as the Department of State's request for approval of the following user fees for notary public master lists and other notary-related electronic data requests:

Master list of notaries public	\$50
Master list of notaries public approved to electronically notarize	\$50
Other notary public-related lists and data requests	\$25

The Right to Know Law allows an agency to establish user fees for enhanced electronic access, with the approval of the Office of Open Records, provided that: 1) the enhanced electronic access is in addition to otherwise having the information accessible; 2) the fees are a flat rate, a subscription fee for a period of time, another reasonable method or combination of methods; 3) the user fees are reasonable; and 4) the fees are not established with the intent or effect of excluding persons from access to records; and 5) the fees are not established with the intent or effect of creating profit for the agency. 65 P.S. § 67.1307(e). The Department has fulfilled these provisions, as evidenced below.

**Information accessibility:** All of the public information available for notaries public that is contained in the Department's notary public database is accessible to the public as required by 65 P.S. § 67.1307(e) and 57 Pa.C.S. § 324 (relating to Database of notaries public). The Department makes the information available on its website, which can be searched by notary name, commission number or location. To illustrate what is available on the website, several screen shots are enclosed for your reference as Attachment 1. While citizens can get information via the website at no cost, if copies of documents are requested, the Department charges the fees adopted by the Office of Open Records in the Official RTKL Fee Structure.



The enhanced electronic access under the above fees allows the public to obtain notary information in bulk (via an XML file) provided by the Department. An example of the first page of an XML file is enclosed for your reference as Attachment 2. It is the same public information available for notaries public that is contained in the Department's notary database, compiled on a weekly basis for newly-appointed notaries or by special request (other time periods) or as needed (master lists of all notaries or electronic notaries).

**Fee rate/method:** The list fees set forth above are fixed, per-transaction fees, which provides certainty for requesters and Department staff alike.

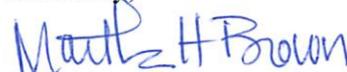
**Reasonableness:** Currently, the notary database has information for more than 80,000 active notaries public. If the Department were to charge 25 cents per record, the master list fee would be in excess of \$20,000. Each weekly report of newly-commissioned notaries contains records of approximately 500 notaries public. If the Department were to charge 25 cents per record, the master list fee would be in excess of \$500. The Department also incurs additional costs for complying with list requests, as generation of the XML reports requires the assistance of Department's information technology vendor. As such, the list fees charged by the Department are reasonable.

**Non-exclusion:** The establishment of these user fees for electronic access to lists that are regularly requested by the public has the effect of making more information available to requestors, rather than excluding persons from access to records. Typical requestors for a master list of all notaries public or a weekly list of new newly-appointed notaries are the notary associations, who are using it to market their services to notaries public. Having the information in XML format is a significant benefit to requestors, as they can use the data for marketing or communications.

**Profit:** The fees generated by the various lists of notaries public are not established with the intent or effect of creating a profit for the agency, as prohibited by 65 P.S. § 67.1307(e). Only the users of the services will pay the fee and there are a limited number of requestors for the lists. The anticipated revenue for all list requests is less than \$6,600. The annual expenditures of the Bureau of Commissions, Elections and Legislation (which contains the Division of Commissions, Legislation and Notaries) are presently nearly \$ 2 million. These funds are used for operational costs including personnel, facilities, equipment and maintenance and enhancement of the notaries database, as well as other Bureau record managements systems.

Please let me know if you need any further information about this request. I look forward to hearing from you.

Sincerely,



Martha H. Brown  
Assistant Counsel

Attachments

c: Julio Peña, Manager, Division of Commissions, Legislation and Notaries  
Rebecca Fuhrman, Department of State Open Records Officer

Attachment 1

<https://www.notaries.pa.gov/Pages/NotarySearch.aspx>



The header features a photograph of the Pennsylvania State Capitol dome. Below the image is a blue navigation bar with the text "DEPARTMENT OF STATE" on the left and "HOME", "PA STATE AGENCIES", and "ONLINE SERVICES" on the right. Under "ONLINE SERVICES" is the name "Tom Wolf, Governor".

**Option 1 - Find Notary by Name** [How to Search](#)

First Name:

Middle Initial:

Last Name:

Suffix:

Commission Status:  All  Current

ENotary Status:  Active

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**Option 2 - Find Notary by Commission ID**

Commission ID:

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**Option 3 - Find Notary near you**

Street:

City:

State:

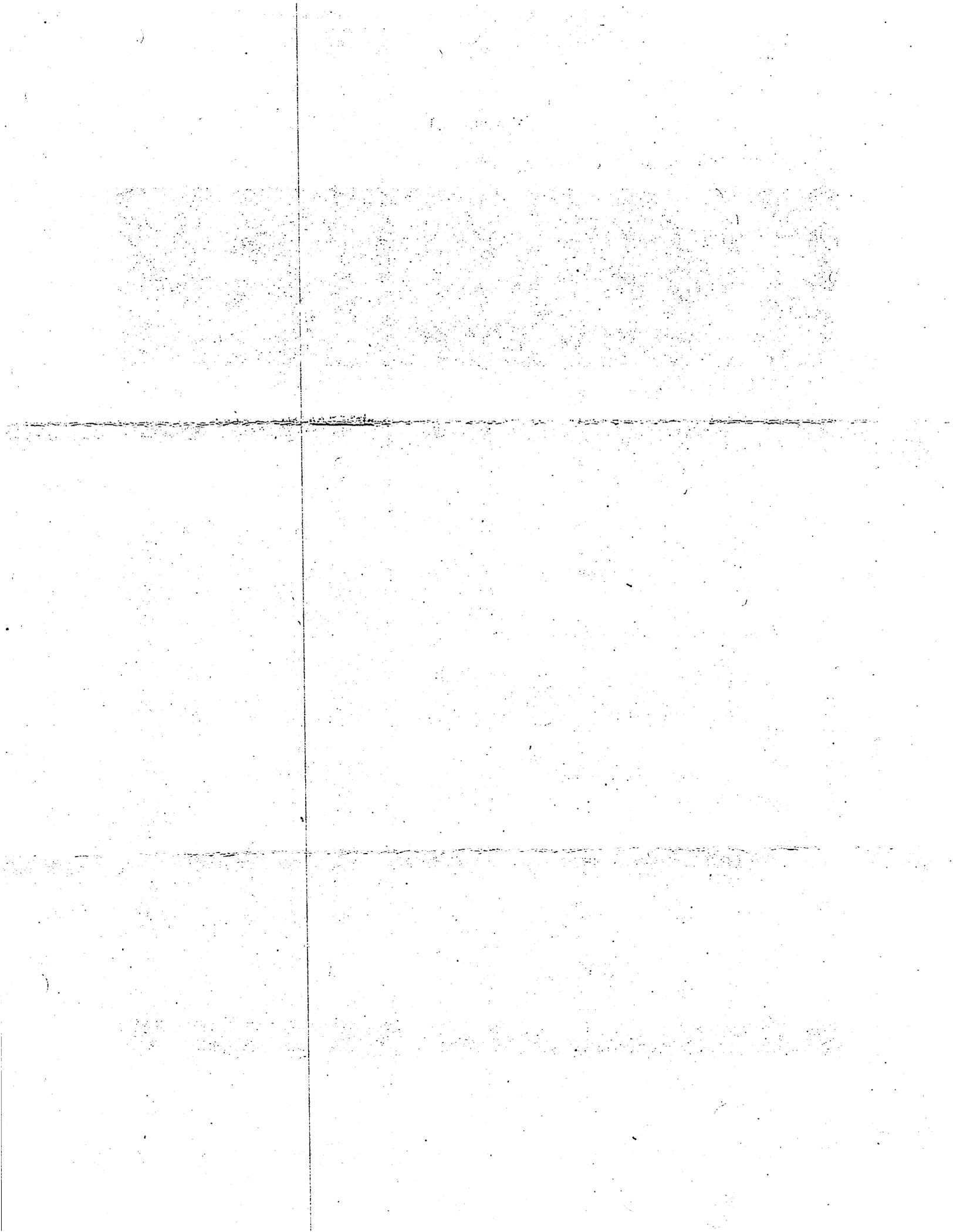
Zipcode:

Within (Radius):

Commission Status:  All  Current

ENotary Status:  Active

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New Search

Searching By Name: aronson, marc

Name & Commission Details	Business Name & Address	Phone
ARONSON, MARC. L Commission ID: 1004036 Current Status: Commissioned ENotary Status: No <a href="#">See History</a>	PENNSYLVANIA ASSOCIATION OF NOTARIES  420 FT. DUQUESNE BLVD., STE 401 ONE GATEWAY CTR PITTSBURGH, PA 15222-1498 ALLEGHENY COUNTY Municipality: PITTSBURGH CITY	(412) 281-0678

Attachment 2

```
<?xml version="1.0" encoding="UTF-8"?>
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  - <SelectNotaryStatusView>
    <NotaryId>1185999</NotaryId>
    <FirstName>LORI</FirstName>
    <LastName>FLICKINGER</LastName>
    <Middle>D</Middle>
    <BusinessStreetAddress>1750 EMMITSBURG ROAD</BusinessStreetAddress>
    <BusinessCity>GETTYSBURG</BusinessCity>
    <BusinessZip>17325</BusinessZip>
    <BusinessPhone>7173341826</BusinessPhone>
    <AppointmentDate>6/7/2018</AppointmentDate>
    <ExpirationDate>6/7/2022</ExpirationDate>
    <BusinessName>HAVERFIELD INTERNATIONAL INCORPORATED</BusinessName>
    <CountyName>ADAMS</CountyName>
    <EffectiveDate>6/7/2018</EffectiveDate>
    <BusinessState>PA</BusinessState>
  </SelectNotaryStatusView>
  - <SelectNotaryStatusView>
    <NotaryId>1333991</NotaryId>
    <FirstName>AMBER</FirstName>
    <LastName>AULD</LastName>
    <Middle>M</Middle>
    <BusinessStreetAddress>4767 WILLIAM FLYNN HWY</BusinessStreetAddress>
    <BusinessCity>ALLISON PARK</BusinessCity>
    <BusinessZip>15101</BusinessZip>
    <BusinessPhone>4124876661</BusinessPhone>
    <AppointmentDate>6/4/2018</AppointmentDate>
    <ExpirationDate>6/4/2022</ExpirationDate>
    <BusinessName>AULD MILLER, LLC</BusinessName>
    <CountyName>ALLEGHENY</CountyName>
    <EffectiveDate>6/4/2018</EffectiveDate>
    <BusinessState>PA</BusinessState>
  </SelectNotaryStatusView>
  - <SelectNotaryStatusView>
    <NotaryId>1226447</NotaryId>
    <FirstName>STEPHANIE</FirstName>
    <LastName>BRODMERKEL</LastName>
    <Middle/>
    <BusinessStreetAddress>243 E MAIN STREET</BusinessStreetAddress>
    <BusinessAddressLine1>SUITE 201</BusinessAddressLine1>
    <BusinessCity>CARNEGIE</BusinessCity>
    <BusinessZip>15106</BusinessZip>
    <BusinessPhone>4125645858</BusinessPhone>
    <AppointmentDate>3/29/2018</AppointmentDate>
    <ExpirationDate>8/3/2022</ExpirationDate>
    <BusinessName>PRINCETON FINANCIAL LLC</BusinessName>
    <CountyName>ALLEGHENY</CountyName>
    <EffectiveDate>8/3/2018</EffectiveDate>
    <BusinessState>PA</BusinessState>
  </SelectNotaryStatusView>
  - <SelectNotaryStatusView>
    <NotaryId>1024936</NotaryId>
    <FirstName>LEAETTE</FirstName>
    <LastName>CAVALIERE</LastName>
    <Middle/>
    <BusinessStreetAddress>623 HIGHLAND AVE</BusinessStreetAddress>
```