

The Commonwealth Court has developed a balancing test to help determine whether a request is sufficiently specific. The request must have at least two of these and should have all three: a subject matter, scope, and timeframe. Every request is reviewed on a case-by-case basis. The following does not constitute legal advice or binding policy and is only intended to provide helpful questions to assist in drafting a request.

Wording and approaches to avoid:

- Avoid using problematic phrases like:
 - including but not limited to
 - any and all
- Avoid using overly long timeframes:
e.g. "All records, files, and emails from 2021-2022"
- Avoid using just a list of keywords

The request should have a subject matter

Does the request describe a transaction, incident, activity, event, topic, action or other agency business that is contained or discussed in the records you are requesting?

Does the request explain how that transaction, incident, activity, event, topic, action or agency business relates to the records/information you are trying to request?

Does the request seek a clearly defined universe (group) of documents?

The request should have a proper scope

Does the request explain the specific type or kind of records you are requesting? (e.g., e-mails, reports, formal decisions, video footage, etc.)

Does the request seek records by naming the recipient(s) and/or sender(s)?

The request should have a timeframe

Does the request identify a finite period of time?

If that finite period of time is lengthy, does the rest of the request allow the agency to identify the specific records/information you are requesting?

If there is no timeframe, does the rest of the request give enough detail to allow the agency to identify the specific records/information you are requesting?

Additional note:

Answer any clarifying questions the agency may have about the request.