



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF

:

**HAIBO LIANG,
Requester**

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:

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v.

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Docket No.: AP 2016-1401

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**NORTHERN YORK COUNTY
REGIONAL POLICE DEPARTMENT,
Respondent**

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On July 28, 2016, Haibo Liang (“Requester”) submitted a request (“Request”) to the Northern York County Regional Police (“Agency”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking “a copy of a police/investigation report”. The Agency responded on July 28, 2016, denying the information stating the information requested related to a criminal investigation and is exempt under 65 P.S. § 67.708 (b)(16). The Requester appealed to the Office of Open Records (“OOR”).

Northern York County Regional Police is a local law enforcement agency. *See Sawicki v. Centre County District Attorney’s Office*, OOR Dkt. AP 2015-0757, 2015 PA O.O.R.D. LEXIS 885 (citing 4 P.S. § 325.211). The OOR does not have jurisdiction to hear appeals related to criminal investigative records held by local law enforcement agencies. *See* 65 P.S. § 67.503(d)(2). Instead, appeals involving records alleged to be criminal investigative records held by a local law enforcement agency are to be heard by an appeals officer designated by the local

district attorney. *See id.* Accordingly, the appeal is hereby transferred to the Appeals Officer for the York County District Attorney's Office. A copy of this final order and the appeal filed by the Requester will be sent to Appeals Officer, York County District Attorney's Office.

For the foregoing reasons, Requester's appeal is **transferred** to Appeals Officer for the York County District Attorney's Office. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, either party may appeal to the York County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond as per Section 1303 of the RTKL. This Final Determination shall be placed on the OOR website at: openrecords@pa.gov.

FINAL DETERMINATION ISSUED AND MAILED: August 23, 2016

/s/ Charles Rees Brown

Chief Counsel
Charles Rees Brown

Sent to: Requester, York County District Attorney's Office