pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
LAWRENCE PETERSON,	:	
Requester	:	
	:	
v.	:	**Docket No: AP 2016-1380**
	:	
PHILADELPHIA POLICE	:	
DEPARTMENT,	:	
Respondent	:	

The Office of Open Records ("OOR") received the above-captioned appeal under the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*. Upon review of the file, the appeal is dismissed for the following reason:

On June 29, 2016, Lawrence Peterson ("Requester"), an inmate at SCI-Smithfield, submitted a request ("Request") to the Philadelphia Police Department ("Department"), seeking various records related to two police officers. On July 7, 2016, the Department sent a letter to the Requester advising him that, because of his failure to comply with the City of Philadelphia's RTKL policy by submitting the Request on a standard RTKL request form, the Request would be processed as an "an informal request outside of [the RTKL]."[1] The Department also informed the Requester that he could resubmit his request for records on the standard RTKL form.

The Requester had fifteen business days from the date of this letter denying the Request to file an appeal, or until July 28, 2016. *See* 65 P.S. § 67.1101(a)(1). The appeal was filed with the OOR on August 19, 2016.[2] Accordingly, the appeal is untimely.

For the foregoing reason, Requester's appeal is **dismissed as untimely**, and the Department is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal

[1] As a department of the City of Philadelphia, the Department follows the City's Open Records Policy.
[2] The Requester's appeal submission was postmarked August 17, 2016. However, even if the OOR treated the appeal as having been filed on August 17, 2016 in accordance with the "prisoner mailbox rule," the appeal would still be untimely filed. *See Commonwealth v. Jones*, 700 A.2d 423, 426 (Pa. 1997).

to the Philadelphia 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. However, as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party.[3] This Final Determination shall be placed on the OOR website at: http://openrecords.pa.gov.

FINAL DETERMINATION ISSUED AND MAILED: September 19, 2016

/s/ Blake Eilers
Blake Eilers, Esq.
Appeals Officer

Sent to: Lawrence Peterson, EK-2899;
Russell Crotts, Esq. (via e-mail only);
Lt. Edward Egenlauf (via e-mail only)

[3] *See Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).