



**FINAL DETERMINATION**

**IN THE MATTER OF**

**PHILLIP QUINN,  
Requester**

**v.**

**DELAWARE COUNTY  
DISTRICT ATTORNEY’S OFFICE,  
Respondent**

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**Docket No.: AP 2023-0153**

On November 28, 2022, Phillip Quinn (“Requester”) filed a request (“Request”) with the Delaware County District Attorney’s Office (“District Attorney’s Office”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking various records, including, among other items, criminal history information, plea agreements, “deals for testimony” and confidential informant information relating to a specific individual. The District Attorney timely invoked a 30-day extension on November 28, 2022. The District Attorney’s Office denied the Request on December 27, 2022, stating that the records are related to a criminal investigation, *see* 65 P.S. § 67.708(b)(16), and are protected from disclosure as investigative information by the Criminal History Record Information Act (“CHRIA”), 18 Pa C.S. §§ 9101 *et seq.* On January 20, 2023, the Requester appealed to the Office of Open Records (“OOR”).

The District Attorney’s Office is a local law enforcement agency. 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 Delaware County District Attorney’s Office (“District Attorney’s Office”) to determine whether the records relate to a criminal investigation.<sup>1</sup> A copy of this final order and the appeal filed by the Requester will be sent to the Appeals Officer for the District Attorney’s Office.

For the foregoing reasons, the Requester’s appeal is **transferred** to the Appeals Officer for the 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 Delaware 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.<sup>2</sup> This Final Determination shall be placed on the OOR website at: <https://openrecords.pa.gov>.

**FINAL DETERMINATION ISSUED AND MAILED: January 27, 2023**

/s/ *Joshua Young*

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Joshua Young  
Deputy Chief Counsel

Sent to: Requester (via first class mail); Open Records Officer (via email); Appeals Officer for the Delaware County District Attorney’s Office (via email)

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<sup>1</sup> The Commonwealth Court has noted that the OOR has the authority to transfer an appeal to “where [a requester] should have initially appealed.” *See Phila. Dist. Attorney’s Office v. Williams*, 204 A.3d 1062, \*4 n.5 (Pa. Commw. Ct. 2019) (“... [A]lthough the onus for appealing from an RTKL denial to the proper appeals officer is on the requester, the OOR did not violate the law or any procedure in redirecting the appeal in this case”). Because the OOR does not have jurisdiction over this appeal, the OOR is redirecting the appeal to the appeals officer that has jurisdiction.

<sup>2</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).