

FINAL DETERMINATION

DATE ISSUED AND MAILED: September 22, 2023

IN RE: *Anonymous v. Pennsylvania Department of Transportation*, OOR Dkt. AP 2023-2257

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, it is determined that the appeal is **DISMISSED** because:

The appeal is denied. The Requester is identified only as “Requester” and the appeal was sent from mr23mister32-foiarequest0001@yahoo.com. There is no evidence that the Requester is a “person that is a legal resident of the United States...” 65 P.S. § 67.102. As such, the OOR finds that the alleged “Requester” is anonymous and does not meet the definition of a requester under the RTKL. *See* 65 P.S. § 67.1101(a)(1) (authorizing “the requester” to file an appeal).¹

For this reason, the Department is not required to take any further action. Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review with the Commonwealth Court. 65 P.S. § 67.1301(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond according to court rules as per 65 P.S. § 67.1303. 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.² All documents or communications following the issuance of this Final Determination shall be sent to All documents or communications following the issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

Issued by:

/s/ Joshua T. Young

Senior Deputy Chief Counsel
Joshua T. Young, Esq.

Sent to: Anonymous; Agency Open Records Officer

¹ The appeal, if docketed, would be premature. Request was submitted to the Department on September 13, 2023 and the Department responded within the required 5 business days. *See* 65 P.S. § 67.901.

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