

FINAL DETERMINATION

DATE ISSUED AND MAILED: November 20, 2023

IN RE: *Edward Kennedy v. Pennsylvania Department of Health*, OOR Dkt. AP 2023-2806

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 premature. The Request was submitted to the Department on October 13, 2023. The Department timely invoked a thirty-day extension of time to respond on October 20, 2023. 65 P.S. § 67.902(b)(1). Under the extension, the Department has five (5) business days, followed by thirty (30) calendar days, from October 13, 2023 to respond to the Request. 65 P.S. §§ 67.902(b)(1)-(2). As a result, the Department has until 11:59:59 p.m. on November 20, 2023 to respond. The appeal was submitted to the OOR on November 20, 2023.

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.¹ 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 Young*

Senior Deputy Chief Counsel
Joshua Young, Esq.

Sent to: Requester; Agency Open Records Officer, Pennsylvania Department of Health

¹ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).