

FINAL DETERMINATION

DATE ISSUED AND MAILED: February 9, 2024

IN RE: *Anthony McGriff v. Pennsylvania Department of Corrections*; OOR Dkt. AP 2024-0395

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 untimely. The Department denied the Request on November 29, 2023. Appeals of denied Right-to-Know requests must be filed within 15 business days of the date of the denial, or by December 20, 2023 in this instance. 65 P.S. § 67.1101(a)(1). The appeal was postmarked February 1, 2024. The Requester is not prohibited from refileing the request and, if necessary, filing a new appeal pursuant to the requirements of 65 P.S. § 67.1101(a)(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.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 (via first class mail);
Agency Open Records Officer, Pennsylvania Department of Corrections

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