

## **FINAL DETERMINATION**

DATE ISSUED AND MAILED: February 27, 2024

IN RE: “*John Doe*” v. *Pennsylvania Department of Community and Economic Development*;  
OOR Dkt. AP 2024-0543

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 appeal form and underlying Right-to-Know Request name the individual making the appeal/Request as “John Doe” and the documents were sent from an email address identified as [rando2024577-rtk@yahoo.com](mailto:rando2024577-rtk@yahoo.com). There is no evidence that “John Doe” is a “person that is a legal resident of the United States...”<sup>1</sup> 65 P.S. § 67.102. As such, the OOR finds that “John Doe” 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).

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.<sup>2</sup> All documents or communications following the issuance of this Final Determination shall be sent to [oor-postfd@pa.gov](mailto:oor-postfd@pa.gov). This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

Issued by:

*/s/ Joshua Young*

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Senior Deputy Chief Counsel  
Joshua Young, Esq.

Sent to: “John Doe”;

Agency Open Records Officer, Pennsylvania Department of Community and

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<sup>1</sup> Along with his appeal form, “John Doe” provided a sworn affidavit purporting to affirm, among other things, that he is a United States citizen and a resident of the Commonwealth of Pennsylvania. However, given that the name and signature on the affidavit are redacted, the affidavit is insufficient to establish that “John Doe” is a person and legal resident of the United States and, therefore, capable of being a requester under the RTKL.

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

## Economic Development