



pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
RYAN,	:	
Requester	:	
	:	
v.	:	Docket No.: AP 2024-0349
	:	
CUMBERLAND COUNTY,	:	
Respondent	:	

On December 15, 2023, a purported individual named Ryan (“Requester”) submitted a request (“Request”) to Cumberland County (“County”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking the “[e]xisting policy prohibiting photography of public records.”

On January 22, 2024, following a 30-day extension under Section 902 of the RTKL, the County denied the Request, asserting that it had no obligation to respond because the Requester had filed anonymously. 65 P.S. § 67.902.

On February 2, 2024, the Requester filed an appeal to the OOR, arguing that the Request had been deemed denied. The OOR invited both parties to supplement the record and directed the County to notify any third parties of their ability to participate in this appeal. 65 P.S. § 67.1101(c).

On February 20, 2024, the County submitted a position statement arguing that the Requester had failed to identify themselves, as they had submitted only the name “Ryan” and were

therefore an anonymous appellant. In support of this statement, the County submitted the attestation of Lisa Woodward, the County's Open Records Officer, who attests that she does not know who "Ryan" is, but that the Request was nonetheless both insufficiently specific and seeking records which do not exist.

On February 26, 2024 and February 27, 2024, the Requester submitted position statements arguing that the Request was not anonymous, that the combination of the name "Ryan", an email address, and a zip code were sufficient to meet the requirements of the RTKL, and that the agency's attestation does not outline that a good faith search was conducted for the responsive policy prior to determining that it does not exist.

On appeal, the County argues that the Requester is anonymous, and therefore it has no duty to fulfill the Request. Section 702 of the RTKL provides that:

Agencies may fulfill verbal, written or anonymous verbal or written requests for access to records under this act. If the requester wishes to pursue the relief and remedies provided for in this act, the request for access to records must be a written request.

65 P.S. § 67.702. The OOR interprets this section as affording agencies the discretion to fulfill or ignore anonymous requests. A "requester" is defined by the RTKL as "[a] person that is a legal resident of the United States...." *See* 65 P.S. § 102. Thus, under the RTKL, a requester must both be a "person" and "a legal resident of the United States." While not defined by the RTKL, the Statutory Construction Act of 1972 ("SCA") defines the term "person" to "[i]nclude[] a corporation, partnership, limited liability company, business trust, other association, government entity (other than the Commonwealth), estate, trust, foundation or natural person." 1 Pa.C.S. § 1991. Finally, Section 703 of the RTKL requires that all written requests under the RTKL "shall include the name and address to which the agency should address its response." 65 P.S. § 703.

In this case, the Requester submitted the instant Request on the OOR’s form, identifying himself only as “Ryan”, with a Zip Code of 17013 and providing an email address. The Requester did not provide any additional identifying information, and the County attests that they do not know who the Requester is. Woodward Attestation, ¶ 12. The County argues that because the Requester has submitted insufficient information for the County to identify them, they are an anonymous requester. In response, the Requester argues that they are not anonymous, having provided a name and an email address, along with a Zip Code which indicates generally that they live in Cumberland County.

In prior appeals, the OOR has resolved questions of anonymity by determining whether the Request contained sufficient evidence that the filer is a “person that is a legal resident of the United States....” 65 P.S. § 67.102; *Anonymous v. Norristown Municipality*, OOR Dkt. AP 2020-2496, 2020 PA O.O.R.D. LEXIS 3147 (request including only an email address and the identifier ‘E3E3’ was anonymous); *Anonymous v. Southeastern Pa. Transportation Auth.*, OOR Dkt. AP 2018-1877, 2018 PA O.O.R.D. LEXIS 1416 (request including an email address and signed as “T” was anonymous). Here, although the Requester has provided what may be a first name and listed a Zip Code within Pennsylvania, there is no evidence in the Request that they are a resident of the United States. See *John Doe v. Pa. Dep’t of Community & Econ. Dev.*, OOR Dkt. AP 2024-0543, 2024 PA O.O.R.D. LEXIS 506 (request included the name “John Doe”, an email address, and a document purporting to be an attestation that the Requester was a US resident but redacted of all identifying information). As a result, the OOR is constrained to hold that there is no evidence that the Requester is a resident of the United States, that the Request is anonymous, and that the OOR lacks the authority to direct the County to grant an anonymous request.

For the foregoing reasons, the Requester's appeal is **dismissed**, and the County is not required to take any further action. This Final Determination is binding on the parties. Within thirty days of the mailing date of this Final Determination, either party may appeal to the Cumberland County Court of Common Pleas. *See* 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 according to court rules 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.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 OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: April 12, 2024

/s/ Jordan Davis

SENIOR APPEALS OFFICER
JORDAN C. DAVIS, ESQ.

Sent via OOR portal to: Ryan;
Lisa Woodward;
Jennifer Hipp, Esq.

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