

FINAL DETERMINATION

DATE ISSUED AND MAILED: August 1, 2024

IN RE: *Anthony Lawrence v. Pa. Dep't of Corrections*; OOR Dkt. AP 2024-2003

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 OOR lacks jurisdiction. Under the Right-to-Know Law (“RTKL”), “[a] written request for access to records . . . must be addressed to the open-records officer designated pursuant to Section 502.” 65 P.S. § 67.703. Here, the form provided by the Requester—Inmate’s Request to Staff Member—does not state that it was submitted pursuant to the RTKL, was not directed to the Department’s Open Records Office and does not otherwise identify the Department’s Open Records Officer, either by name or title.¹ Therefore, the Department had no obligation to forward the form to its open records officer, and the form submitted by the Requester is not a request entitled to appeal rights under the RTKL. *See Pa. Gaming Control Bd. v. Office of Open Records*, 103 A.3d 1276, 1287 (Pa. 2014); *see also Komoroski v. Pa. Dep’t of Envtl. Prot.*, OOR Dkt. AP 2021-2928, 2022 PA O.O.R.D. LEXIS 699. Accordingly, the OOR lacks jurisdiction over this matter.

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 in 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 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 via first class mail to Requester; via E-file portal Agency Open Records Officer

¹ Notably, the form was directed to a deputy within the maintenance department of the institution, who, on July 10, 2024, advised the Requester that he needed to submit a RTKL request with the Department’s central office for the information sought. Instead, the Requester filed an appeal with the OOR.

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