

FINAL DETERMINATION

DATE ISSUED AND MAILED: August 1, 2024

IN RE: *Kelvyn Anderson v. City of Philadelphia Law Dep't*; OOR Dkt. AP 2024-2006

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 Request was filed on May 15, 2024, and the City of Philadelphia Law Department (“Department”) invoked a thirty-day extension to respond to the Request on May 22, 2024. *See* 65 P.S. § 67.902. The Department did not issue a final response by June 21, 2024, and the Request was deemed denied. *Id.* Appeals of deemed denied Right-to-Know Law (“RTKL”) requests must be filed within 15 business days of the date of the deemed denial, or by July 16, 2024 in this instance.¹ 65 P.S. § 67.1101(a)(1). The appeal was received by the OOR on July 31, 2024.² 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 Philadelphia County Court of Common Pleas. 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 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.³ 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 E-file portal to: Requester; Agency Open Records Officer

¹ The OOR’s offices were closed on July 4, 2024 and July 5, 2024 in observance of the July 4th holiday; as a result, these days were not included in the calculation of the RTKL appeal period.

² Notably, on July 9, 2024, the Requester emailed the Department about its failure to respond to the Request; however, the Requester did not file his appeal until July 31, 2024.

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