pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
FRANCIS CURRY AND FOIA BUDDY,	:	
Appellant,	:	
	:	
v.	:	**Docket No: AP 2024-3045**
	:	
CENTRAL SUSQUEHANNA REGIONAL	:	
9-1-1 SYSTEM,	:	
Respondent	:	

FACTUAL BACKGROUND

On November 26, 2024,[1] Francis Curry, through the FOIA Buddy website (hereinafter "FOIA Buddy"), submitted ten requests (collectively "Requests") to Central Susquehanna Regional 9-1-1 System ("CSR") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*.,[2] seeking, among other things, policies, list of employees, internet service bills, phone service bills, technology service agreements, staff complaints or grievances, internal and external audit reports, records of disciplinary action, records of safety incidents, and copies of network diagrams or drawings.

[1] The Request was dated November 25, 2024; however, CSR received the Request on November 26, 2024. *See* CSR's final response, dated December 4, 2024.
[2] As explained below, the OOR requested copies of the emails transmitting the Requests to CSR, but this request was declined. Without copies of the emails, and in light of the server data that was provided, we are left to conclude that the Requests were submitted through the FOIA Buddy website, and not separately by Francis Curry.

On December 4, 2024, CSR denied the Requests, arguing that CSR "has been unable to confirm that [the Requester is] a qualified [R]equester under the RTKL [and a]ccordingly, [CSR] has deemed [the Requester] an anonymous [R]equester and hence denying [the Requests]."

On December 5 2024, FOIA Buddy filed ten (10) appeals to the Office of Open Records ("OOR"), alleging that the Requests had been deemed denied. The appeals were filed by the email address oor@foiabuddy.biz, copying the email address appeals@foiabuddy.com; neither of these emails were included on the request forms included in the appeals. The appeals are unsigned and do not identify who is filing the appeals, but the appeals imply that Francis Curry filed the appeal on his own behalf.[3] The OOR docketed the appeals as one appeal, under the current docket number. The OOR invited the parties to supplement the record and directed CSR to notify any third parties of their ability to participate in the appeal. 65 P.S. § 67.1101(c).

On December 17, 2024, CSR submitted a position statement, arguing that it timely responded to the Requests and, as such, "no such deemed denial exists for purposes of this appeal."

On December 19, 2024, for completeness of the record, the OOR asked Francis Curry to provide the emails transmitting the Requests to CSR. On December 20, 2024, Francis Curry, on behalf of FOIA Buddy,[4] declined to provide those emails. On December 21, 2024, Francis Curry submitted transmittal information, which appears to be "timestamps" from FOIA Buddy's server data, suggesting that the Requests were sent to CSR through FOIA Buddy by "francis@foiabuddy.biz."

[3] For example, the appeals state: "I am filing this appeal with the Pennsylvania Office of Open Records…. The request was submitted by me, Frank Curry, a United States citizen…."
[4] The communication refers to "We," "our," and generally, the "Appellant."

On December 23, 2024,[5] the OOR directed Francis Curry to answer several questions concerning FOIA Buddy, Francis Curry's relationship with FOIA Buddy, and the anonymous request function on the FOIA Buddy website. *See* 65 P.S. § 67.1102(a)(2) (permitting appeals officers to conduct necessary fact-finding). To date, neither Francis Curry nor any other representative of FOIA Buddy has responded to the OOR's December 23, 2024 correspondence.

LEGAL ANALYSIS

CSR is a local agency subject to the RTKL. 65 P.S. § 67.302. Records in the possession of a local agency are presumed to be public, unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. As an agency subject to the RTKL, CSR is required to demonstrate, "by a preponderance of the evidence," that records are exempt from public access. 65 P.S. § 67.708(a)(1). Preponderance of the evidence has been defined as "such proof as leads the fact-finder … to find that the existence of a contested fact is more probable than its nonexistence." *Pa. State Troopers Ass'n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep't of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)).

Section 1101(a)(1) of the RTKL explains that "[i]f a written request for access to record is denied or deemed denied, the requester may file an appeal with the Office of Open Records…." 65 P.S. § 67.1101(a)(1). The term "Requester" is specifically defined in the RTKL as "[a] person that is a legal resident of the United States and requests a record pursuant to this act." 65 P.S. § 67.102. The OOR has permitted third parties to appeal on behalf of a requester, but those third parties, themselves, have qualified as a "requester" under the RTKL. *See Dessin v. State Employees' Retirement System*, OOR Dkt. AP 2015-1730, 2015 PA O.O.R.D. LEXIS 1644

[5] Appeals Officer Tope Quadri issued a collective inquiry, which pertains to the instant appeal and five other pending matters, directing Francis Curry to submit additional evidence.

(explaining that otherwise, there would be "an absurd and unreasonable result … by rendering the definition of 'requester' superfluous").

In the present matter, there is a convoluted chain of events leading to this Final Determination. Because the OOR was not provided copies of the transmittal emails, there is not a complete picture, but the evidence before us demonstrates the following. The Requests were transmitted through the FOIA Buddy website to CSR. The request forms state that Francis Curry is making the request on behalf of FOIA Buddy, which is listed as the Company on the request forms. The appeals, which are unsigned, were submitted using general email addresses associated with FOIA Buddy, rather than Francis Curry, but imply that Francis Curry is filing the appeal on his own behalf. The only communications made to the OOR during the course of the appeals were submitted by francis@foiabuddy.biz, but seemingly on behalf of himself and FOIA Buddy.

For every instance where there is a statement that Francis Curry filed the Requests, or the appeals, there is evidence indicating that the actual requester is FOIA Buddy. As stated above, the Requests were transmitted by the FOIA Buddy website to CSR, and the request forms all treat Francis Curry as a representative of FOIA Buddy. With respect to the appeals, the absence of any signature is telling, as the appeals were transmitted by oor@foiabuddy.biz, rather than the email address contained on the request forms (francis@foiabuddy.biz) or another email clearly associated with Francis Curry. Finally, although the OOR directed its communications to Francis Curry, the responses indicate that they are being made on behalf of FOIA Buddy, rather than Francis Curry individually.

Recently, the OOR concluded in *FOIA Buddy v. Schuylkill County Prison*, OOR Dkt. AP 2024-2354, 2024 PA O.O.R.D. LEXIS 2370, and *FOIA Buddy v. Mahanoy City Borough*, OOR Dkt. AP 2024-2376, 2024 PA O.O.R.D. LEXIS 2394, that FOIA Buddy did not qualify as a

"requester" because no evidence was presented to establish that it is a corporation, partnership, limited liability company, business trust, other association that may qualify as a "person" under the RTKL. 1 Pa.C.S. § 1991 (defining "Person"). Here, as in these prior Final Determinations, we cannot conclude that FOIA Buddy meets the definition of a "person" under the RTKL. The OOR specifically asked Francis Curry about FOIA Buddy's structure, but to date, there has not been a response. Thus, there is nothing in the record reflecting that FOIA Buddy is a corporation, partnership or otherwise legally able to do business in the United States. Instead, it appears to be a website without any legal entity behind it. Without any evidence to the contrary, we must conclude that FOIA Buddy cannot constitute a "Requester" under the RTKL. This means that FOIA Buddy cannot file a request, and possesses no rights to appeal to the OOR. *See Dessin*, *supra*.

Although Francis Curry is listed on the request forms, and acted as a contact during the course of the appeal, we can only conclude that he did so in a representative capacity for FOIA Buddy. Indeed, in *Curry and FOIABuddy v. South Western School District*, the OOR found that requests submitted through FOIA Buddy using the name "Frank Curry" "are, in fact, anonymous requests using FOIABuddy's system, which advertises itself as sending RTKL requests out under a proxy identity." OOR Dkt. AP 2024-1311, 2024 PA O.O.R.D. LEXIS 1434. Although the OOR requested additional evidence on this point, no evidence has been presented to the contrary.

Notwithstanding the above, the appeals argue that CSR failed to respond within the required statutory timeframe, resulting in a deemed denial. On appeal, CSR submitted evidence demonstrating that it denied the Requests on December 4, 2025; however, the appeals were filed,

arguing that the Requests were deemed denied. As such, CSR submitted evidence demonstrating that it issued a timely final response denying the Requests.[6]

CONCLUSION

For the foregoing reasons, the appeal is **dismissed**, and CSR is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal to the Snyder 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, but 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.[7] 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: January 3, 2025

/s/ Lyle Hartranft

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APPEALS OFFICER
LYLE HARTRANFT

Sent via the OOR Portal to: Francis Curry; Chad Aucker, AORO; Jonathan DeWald, Esq.

[6] CSR demonstrated that it received the Requests on November 26, 2024 and, due to the Thanksgiving holiday, CSR was not open on November 28 and 29, 2024. Thus, CSR had until the fifth business day or December 4, 2024 to issue a response or invoke its right to a thirty-day extension. 65 P.S. § 67.902.
[7] *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).