



FINAL DETERMINATION

IN THE MATTER OF

**CRYSTAL GETTING,
Requester**

v.

**MOUNT CARMEL BOROUGH,
Respondent**

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Docket No.: AP 2025-0887

On March 4, 2025, Crystal Getting (“Requester”) submitted a request (“Request”) to Mount Carmel Borough (“Borough”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking various records related to a traffic stop. On March 31, 2025, following a thirty-day extension, 65 P.S. § 67.902(b), the Borough denied the Request, arguing, among other things, that certain records were exempt from disclosure under the RTKL’s criminal investigative records exemption.¹ 65 P.S. § 67.708(b)(16). On April 8, 2025, the Requester appealed to the Office of Open Records (“OOR”).

As a preliminary matter, the appeal involves a request for law enforcement video footage. The RTKL does not apply to audio and video recordings made by a law enforcement agency; rather, there is a separate procedure governing access to these records. *See* 42 Pa.C.S. §§ 67A03-

¹ The Borough also denied access to records pursuant to Section 708(b)(7) of the RTKL, 65 P.S. § 67.708(b)(7); however, the Requester does not address those in her appeal form. Accordingly, the Requester has failed to challenge the Borough’s denial pursuant to this exemption. *See* 65 P.S. § 67.1101(a).

67A05. Further, any appeals are to be filed "in the court of common pleas with jurisdiction." 42 Pa.C.S. § 67A06. Therefore, the OOR lacks jurisdiction over the portion of the appeal related to law enforcement video footage and any appeal of the same should be made to the relevant court of common pleas.

The Borough is a local law enforcement agency, and the Request seeks records concerning an alleged criminal matter in the possession of the Borough. The OOR does not have jurisdiction to hear appeals related to criminal investigative records held by local law enforcement agencies. *See* 65 P.S. § 67.503(d)(2). Instead, appeals involving records alleged to be criminal investigative records held by a local law enforcement agency are to be heard by an appeals officer designated by the local district attorney. *See id.* Accordingly, the appeal is hereby transferred to the Appeals Officer for the Northumberland County District Attorney's Office ("District Attorney's Office") to determine whether the record relates to a criminal investigation.² A copy of this final order and the appeal filed by the Requester will be sent to the Appeals Officer for the District Attorney's Office.

For the foregoing reasons, the Requester's appeal is **dismissed for lack of jurisdiction in part and transferred in part** to the Appeals Officer for the District Attorney's Office. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, either party may appeal to the Northumberland 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 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

² The Commonwealth Court has noted that the OOR has the authority to transfer an appeal to "where [a requester] should have initially appealed." *See Phila. Dist. Attorney's Office v. Williams*, 204 A.3d 1062, *4 n.5 (Pa. Commw. Ct. 2019) ("... [A]lthough the onus for appealing from an RTKL denial to the proper appeals officer is on the requester, the OOR did not violate the law or any procedure in redirecting the appeal in this case").

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>.

FINAL DETERMINATION ISSUED AND MAILED: April 8, 2025

/s/ Joshua T. Young

SENIOR DEPUTY CHIEF COUNSEL
JOSHUA T. YOUNG, ESQ.

Sent to: Requester; Agency Open Records Officer; Appeals Officer for the Northumberland County District Attorney's Office

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