

**IN THE COURT OF COMMON PLEAS ALLEGHENY COUNTY, PENNSYLVANIA**

**CHARLIE WOLFSON and  
PUBLICSOURCE  
Petitioner,**

**v.**

**ALLEGHENY COUNTY  
Respondent.**

**CIVIL DIVISION**

**No. SA-25-000170**

**STATUTORY APPEAL –**

**RIGHT-TO-KNOW LAW**

**CERTIFIED RECORD  
IN OFFICE OF OPEN RECORDS  
DOCKET AP 2025-0246**

**Filed on behalf of:**

Kyle Applegate, Esq.  
Chief Counsel

COMMONWEALTH OF PA  
OFFICE OF OPEN RECORDS  
333 Market Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17101-2234  
Phone: (717) 346-9903  
Fax: (717) 425-5343  
Email: [kyapplegat@pa.gov](mailto:kyapplegat@pa.gov)

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL ACTION

CHARLIE WOLFSON and  
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Petitioners,  
v.  
ALLEGHENY COUNTY  
Respondent.

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: No: SA-25-000170  
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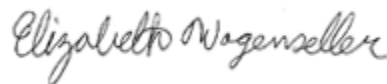
CERTIFICATION OF RECORD

I hereby certify the contents of the record transmitted with this Certification of Record pursuant to Pa.R.A.P. 1952 in *Charlie Wolfson and PublicSource v. Allegheny County*, OOR Dkt. AP 2025-0246, which is the subject of this appeal.

The record transmitted with this certification is generated entirely from the Office of Open Records database. It is our practice to scan in each and every document submitted in an appeal. Thus, no originals are being transmitted to this Court.

I certify that this filing complies with the provisions of the ‘Public Access Policy of the Unified Judicial System of Pennsylvania Case Records of the Appellate and Trial Courts’ that require filing confidential information and documents differently than non-confidential information and documents.

Also, my signature on this Certification of Record and on all other correspondence directed to the Court in connection with this matter may be electronic and not original. I hereby certify that this is my true and correct signature and that I have approved the use thereof for these purposes.



---

Elizabeth Wagenseller, Executive Director  
Office of Open Records  
333 Market Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17101-2234  
Phone: (717) 346-9903  
Fax: (717) 425-5343  
Email: [OpenRecords@pa.gov](mailto:OpenRecords@pa.gov)

Dated: April 14, 2025

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL ACTION

CHARLIE WOLFSON and  
PUBLICSOURCE

Petitioners,

v.

ALLEGHENY COUNTY

Respondent.

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No: SA-25-000170

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CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the Certified Record upon the following persons via email only at the emails listed below:

Maggie Shiels, Esq.  
Assistant County Solicitor  
Allegheny County Law Department  
445 Fort Pitt Boulevard, 3<sup>rd</sup> Floor  
Pittsburgh, PA 15219  
[Maggie.Shiels@alleghenycounty.us](mailto:Maggie.Shiels@alleghenycounty.us)

Paula Knudsen Burke, Esq.  
Reporters Committee for  
Freedom of the Press  
PO Box 1328  
Lancaster, PA 17608  
[pknudsen@rcfp.org](mailto:pknudsen@rcfp.org)



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Faith Henry, Administrative Officer  
Office of Open Records  
333 Market Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17101-2234  
Phone: (717) 346-9903  
Fax: (717) 425-5343  
Email: [fahenry@pa.gov](mailto:fahenry@pa.gov)

April 14, 2025

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL ACTION

**CHARLIE WOLFSON and  
PUBLICSOURCE  
Petitioners,  
v.**

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**No: SA-25-000170**

**ALLEGHENY COUNTY  
Respondent.**

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**CERTIFIED RECORD**

Kyle Applegate  
Chief Counsel  
Commonwealth of Pennsylvania  
Office of Open Records  
333 Market Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17101-2234  
Phone: (717) 346-9903  
Fax: (717) 425-5343  
Email: [kyapplegat@pa.gov](mailto:kyapplegat@pa.gov)

Dated: April 14, 2025

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL ACTION**

<b>CHARLIE WOLFSON and</b>	:	
<b>PUBLICSOURCE</b>	:	
<b>Petitioners,</b>	:	
<b>v.</b>	:	<b>No: SA-25-000170</b>
	:	
<b>ALLEGHENY COUNTY</b>	:	
<b>Respondent.</b>	:	

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**TABLE OF CONTENTS  
RECORD**

*Charlie Wolfson and PublicSource v. Allegheny County,*  
**Office of Open Records Docket No. AP 2025-0246:**

1. The appeal filed by Charlie Wolfson and PublicSource (collectively the “Requester”) to the Office of Open Records (“OOR”), received January 30, 2025.
2. Official Notice of Appeal dated January 30, 2025, sent to both parties by the OOR, advising them of the docket number and identifying the appeals officer for the matter.
3. Allegheny County (“County”) entry of appearance dated February 3, 2025.
4. County correspondence dated February 6, 2025, seeking additional time to make a submission in the appeal.
5. OOR correspondence dated February 6, 2025, partially granting the requested extension and establishing updated submission deadlines.
6. Requester legal argument dated February 18, 2025.
7. County legal argument dated February 20, 2025.
8. OOR correspondence dated February 21, 2025, seeking additional time from the Requester to issue the Final Determination.
9. Requester correspondence dated February 21, 2025, granting the extension requested by the OOR.
10. OOR correspondence dated February 21, 2025, acknowledging the Requester’s extension grant and confirming an updated Final Determination issuance date.
11. Final Determination issued by the OOR on March 3, 2025.

# OOR Exhibit 1

**From:** [no-reply@openrecordspennsylvania.com](mailto:no-reply@openrecordspennsylvania.com)  
**To:** [charlie@publicsource.org](mailto:charlie@publicsource.org)  
**Subject:** [External] PA Office of Open Records - Appeal Confirmation  
**Date:** Thursday, January 30, 2025 10:33:10 AM  
**Attachments:** [oor\\_logo\\_email.png](#)

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**ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook.](#)



You have filed an appeal of an agency's response to a request for records under the Right-to-Know Law.

<b>Name:</b>	Charlie Wolfson
<b>Company:</b>	PublicSource
<b>Address 1:</b>	1936 Fifth Avenue
<b>Address 2:</b>	
<b>City:</b>	Pittsburgh
<b>State:</b>	Pennsylvania
<b>Zip:</b>	15219
<b>Phone:</b>	412-779-7508
<b>Email:</b>	charlie@publicsource.org
<b>Email2:</b>	
<b>Agency (list):</b>	Allegheny County
<b>Agency Address 1:</b>	436 Grant Street
<b>Agency Address 2:</b>	202 Courthouse
<b>Agency City:</b>	Pittsburgh
<b>Agency State:</b>	Pennsylvania

<b>Agency Zip:</b>	15219
<b>Agency Phone:</b>	412-350-6109
<b>Agency Email:</b>	openrecords@allegHENYcounty.us
<b>Records at Issue in this Appeal:</b>	See attached (County payroll records)
<b>Request Submitted to Agency Via:</b>	e-mail
<b>Request Date:</b>	01/10/2025
<b>Response Date:</b>	01/24/2025
<b>Deemed Denied:</b>	No
<b>Agency Open Records Officer:</b>	Jessica Garofolo
<b>Attached a copy of my request for records:</b>	Yes
<b>Attached a copy of all responses from the Agency regarding my request:</b>	Yes
<b>Attached any letters or notices extending the Agency's time to respond to my request:</b>	Yes
<b>Agree to permit the OOR additional time to issue a final determination:</b>	No
<b>Interested in resolving this issue through OOR mediation:</b>	No
<b>Attachments:</b>	<ul style="list-style-type: none"> <li>● FINAL RESPONSE WOLFSON REQUEST 19200.pdf</li> <li>● wolfson_county_rtk_01102025 (1).pdf</li> <li>● INITIAL RESPONSE WOLFSON 19200.pdf</li> </ul>

**I requested the listed records from the Agency named above. By submitting this form, I am appealing the Agency's denial, partial denial, or deemed denial because the requested records are public records in the possession, custody or control of the Agency; the records do not qualify for any exemptions under § 708 of the RTKL, are not protected by a privilege, and are not exempt under any Federal or State law or regulation; and the request was sufficiently specific.**



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333 Market Street, 16<sup>th</sup> Floor | Harrisburg, PA 17101-2234 | 717.346.9903 | F 717.425.5343 | [openrecords.pa.gov](http://openrecords.pa.gov)

COUNTY OF



ALLEGHENY

SARA INNAMORATO  
COUNTY EXECUTIVE

January 24, 2025

Charlie Wolfson  
PublicSource  
1936 Fifth Avenue  
Pittsburgh, PA 15219

Re: RTKL Request – Final Response #19200

Dear Mr. Wolfson:

This is in response to your attached request for records made pursuant the Pennsylvania Right-to-Know Law (RTKL). This office received your request on January 10, 2025 and notified you on January 16, 2025 that an extension of time to respond to your request was necessary due to bona fide staffing limitations.

In your request you state:

*I request information for all individuals employed by Allegheny County during 2024, in the form of a digital file such as a .csv or Microsoft Excel file.*

*Specifically, I request the following for each employee: Name, department, job type, job title, date started, current position date started, date terminated (if applicable), gender, race/ethnicity, employment status, annual salary, regular pay, overtime pay, bonus pay, gross pay.*

*This request includes all law enforcement officers, with names redacted as needed for undercover officers.*

*\*This is a different dataset than is posted on WPRDC, because the WPRDC dataset has additional redactions among law enforcement officers\**

Your request is granted in part and denied in part for the reasons set forth below.

Section 704 (b) (1) of the RTKL states in pertinent part, “an agency may respond to a request by notifying the requester that the record is available through publicly accessible electronic means.” The information you requested is available on the publicly available website, namely, the website of the Western Pennsylvania Regional Data Center (WPRDC). Below is a link to the WPRDC website where you can find this information.

<https://data.wprdc.org/dataset/allegheny-county-employee-salaries>

However, portions of the record required redactions in order not to disclose:

- Information that would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual, exempt from disclosure under Section 708 (b) (1) (ii) of the RTKL.
- Information that if disclosed, would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection activity, exempt from disclosure under Section 708 (b) (2) of the RTKL.
- The names of individuals performing undercover or covert law enforcement activities, exempt from disclosure under Section 708 (b) (6) (iii) of the RTKL.
- Information that would disclose an individual enrollment in a health care program, exempt from disclosure under Section 708 (5) of the RTKL.

Therefore, as to the information redacted from this record, your request is respectfully denied.

This Office is aware of your note specifying that you have successfully appealed decisions in the past and received records with fewer redacted names. Upon consultation with the Allegheny County Police Department, we must respectfully decline your request for a list with fewer redacted names. Repeated release of the County's employee list with redactions of only the officers who are currently performing undercover or covert law enforcement activities at the time the list is provided would result in a risk to the personal security of officers who may have performed those functions in the past, but may not be doing so currently.

Additionally, information pertaining to Court of Common Pleas employees has not been included in the record provided because the Allegheny County Court of Common Pleas ("the Courts") is a separate and independent branch of government not subject to the County's RTKL policy and practices. You should direct your request for this information to the Courts' RTKL Officer at the address listed below:

Attn: Rule 509 Administrator  
Court Administration  
300 Frick Building - 437 Grant Street  
Pittsburgh, PA 15219  
412.350.5410 telephone  
412.350.3930 fax  
e-mail: [Rule509.Administrator@alleghencourts.us](mailto:Rule509.Administrator@alleghencourts.us)

Pursuant to Section 1101 of the RTKL, a party denied access to a requested record may file a written appeal of the denial with the Pennsylvania Office of Open Records ("OOR") within fifteen (15) business days of the mailing date of the local agency's response. The OOR's address is:

Pennsylvania Office of Open Records  
333 Market Street - 16th Floor  
Harrisburg, PA 17126-0333

January 24, 2025

Page Three

Sincerely,

A handwritten signature in black ink that reads "Jessica Garofolo". The signature is written in a cursive, flowing style.

Jessica Garofolo, Director  
County of Allegheny Open Records Officer

## Standard Right-to-Know Law Request Form

**SUBMITTED TO AGENCY NAME:** Allegheny County

Date of Request: Jan. 10, 2025 Submitted via:  Email  U.S. Mail  Fax  In Person

**PERSON MAKING REQUEST:**

Name: Charlie Wolfson Company (if applicable): PublicSource

Mailing Address: 1936 Fifth Avenue, Pittsburgh, PA 15219

Email: charlie@publicsource.org

Telephone: 412-779-7508

How do you prefer to be contacted if the agency has questions?  Telephone  Email  U.S. Mail

**RECORDS REQUESTED:**

I request information for all individuals employed by Allegheny County during 2024, in the form of a digital file such as a .csv or Microsoft Excel file.

Specifically, I request the following for each employee: Name, department, job type, job title, date started, current position date started, date terminated (if applicable), gender, race/ethnicity, employment status, annual salary, regular pay, overtime pay, bonus pay, gross pay.

This request includes all law enforcement officers, with names redacted as needed for undercover officers.

\*This is a different dataset than is posted on WPRDC, because the WPRDC dataset has additional redactions among law enforcement officers\*

**\*Please contact me by phone (412-779-7508) if you have any questions\***

**DO YOU WANT COPIES?**  Yes, electronic copies preferred if available

Yes, printed copies preferred

No, in-person inspection of records preferred (*may request copies later*)

Do you want certified copies?  Yes (*may be subject to additional costs*)  No

*RTKL requests may require payment or prepayment of fees. See the Official RTKL Fee Schedule for more details.*

**Please notify me if fees associated with this request will be more than  \$100 (or)  \$25.00\_.**

**ITEMS BELOW THIS LINE FOR AGENCY USE ONLY**

Tracking: \_\_\_\_\_ Date Received: \_\_\_\_\_ Response Due (5 bus. days): \_\_\_\_\_

30-Day Ext.?  Yes  No (If Yes, Final Due Date: \_\_\_\_\_) Actual Response Date: \_\_\_\_\_

Request was:  Granted  Partially Granted & Denied  Denied Cost to Requester: \$ \_\_\_\_\_

Appropriate third parties notified and given an opportunity to object to the release of requested records.

COUNTY OF



ALLEGHENY

SARA INNAMORATO  
COUNTY EXECUTIVE

January 16, 2025

Charlie Wolfson  
PublicSource  
1936 Fifth Avenue  
Pittsburgh, PA 15219

Re: RTKL Request – Initial Response #19200

Dear Mr. Wolfson:

This is in response to your attached request for records made pursuant the Pennsylvania Right-to-Know Law (RTKL), which this office received on January 10, 2025.

In your request you state:

*I request information for all individuals employed by Allegheny County during 2024, in the form of a digital file such as a .csv or Microsoft Excel file.*

*Specifically, I request the following for each employee: Name, department, job type, job title, date started, current position date started, date terminated (if applicable), gender, race/ethnicity, employment status, annual salary, regular pay, overtime pay, bonus pay, gross pay.*

*This request includes all law enforcement officers, with names redacted as needed for undercover officers.*

*\*This is a different dataset than is posted on WPRDC, because the WPRDC dataset has additional redactions among law enforcement officers\**

Please be advised that the County is invoking its right under Section 902 of the RTKL for an extension of time to complete a review of your request and to issue a final response for the following reason:

Section 902 (a) (3) – A timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations. Limited staff requires the need for additional time.

By law, the Allegheny County Open Records Office has thirty days to issue a final response regarding this request. A response is expected to be provided within thirty days of the date of this letter.

January 16, 2025

Page Two

Sincerely,

A handwritten signature in black ink that reads "Jessica Garofolo". The signature is written in a cursive style with a large, prominent initial "J".

Jessica Garofolo, Director  
County of Allegheny Open Records Officer



## Standard Right-to-Know Law Request Form

**SUBMITTED TO AGENCY NAME:** Allegheny County

Date of Request: Jan. 10, 2025 Submitted via:  Email  U.S. Mail  Fax  In Person

### PERSON MAKING REQUEST:

Name: Charlie Wolfson Company (if applicable): PublicSource

Mailing Address: 1936 Fifth Avenue, Pittsburgh, PA 15219

Email: charlie@publicsource.org

Telephone: 412-779-7508

How do you prefer to be contacted if the agency has questions?  Telephone  Email  U.S. Mail

### RECORDS REQUESTED:

I request information for all individuals employed by Allegheny County during 2024, in the form of a digital file such as a .csv or Microsoft Excel file.

Specifically, I request the following for each employee: Name, department, job type, job title, date started, current position date started, date terminated (if applicable), gender, race/ethnicity, employment status, annual salary, regular pay, overtime pay, bonus pay, gross pay.

This request includes all law enforcement officers, with names redacted as needed for undercover officers.

\*This is a different dataset than is posted on WPRDC, because the WPRDC dataset has additional redactions among law enforcement officers\*

**\*Please contact me by phone (412-779-7508) if you have any questions\***

**DO YOU WANT COPIES?**  Yes, electronic copies preferred if available

Yes, printed copies preferred

No, in-person inspection of records preferred (*may request copies later*)

Do you want certified copies?  Yes (*may be subject to additional costs*)  No

*RTKL requests may require payment or prepayment of fees. See the Official RTKL Fee Schedule for more details.*

**Please notify me if fees associated with this request will be more than  \$100 (or)  \$25.00\_.**

**ITEMS BELOW THIS LINE FOR AGENCY USE ONLY**

Tracking: \_\_\_\_\_ Date Received: \_\_\_\_\_ Response Due (5 bus. days): \_\_\_\_\_

30-Day Ext.?  Yes  No (If Yes, Final Due Date: \_\_\_\_\_) Actual Response Date: \_\_\_\_\_

Request was:  Granted  Partially Granted & Denied  Denied Cost to Requester: \$ \_\_\_\_\_

Appropriate third parties notified and given an opportunity to object to the release of requested records.

# Standard Right-to-Know Law Request Form

**SUBMITTED TO AGENCY NAME:** Allegheny County

Date of Request: Jan. 10, 2025 Submitted via:  Email  U.S. Mail  Fax  In Person

**PERSON MAKING REQUEST:**

Name: Charlie Wolfson Company (if applicable): PublicSource

Mailing Address: 1936 Fifth Avenue, Pittsburgh, PA 15219

Email: charlie@publicsource.org

Telephone: 412-779-7508

How do you prefer to be contacted if the agency has questions?  Telephone  Email  U.S. Mail

**RECORDS REQUESTED:**

I request information for all individuals employed by Allegheny County during 2024, in the form of a digital file such as a .csv or Microsoft Excel file.

Specifically, I request the following for each employee: Name, department, job type, job title, date started, current position date started, date terminated (if applicable), gender, race/ethnicity, employment status, annual salary, regular pay, overtime pay, bonus pay, gross pay.

This request includes all law enforcement officers, with names redacted as needed for undercover officers.

\*This is a different dataset than is posted on WPRDC, because the WPRDC dataset has additional redactions among law enforcement officers\*

**\*Please contact me by phone (412-779-7508) if you have any questions\***

**DO YOU WANT COPIES?**  Yes, electronic copies preferred if available

Yes, printed copies preferred

No, in-person inspection of records preferred (*may request copies later*)

Do you want [certified copies](#)?  Yes (*may be subject to additional costs*)  No

*RTKL requests may require payment or prepayment of fees. See the [Official RTKL Fee Schedule](#) for more details.*

**Please notify me if fees associated with this request will be more than  \$100 (or)  \$25.00\_.**

**ITEMS BELOW THIS LINE FOR AGENCY USE ONLY**

Tracking: \_\_\_\_\_ Date Received: \_\_\_\_\_ Response Due (5 bus. days): \_\_\_\_\_

30-Day Ext.?  Yes  No (If Yes, Final Due Date: \_\_\_\_\_) Actual Response Date: \_\_\_\_\_

Request was:  Granted  Partially Granted & Denied  Denied Cost to Requester: \$ \_\_\_\_\_

Appropriate third parties notified and given an opportunity to object to the release of requested records.

# OOR Exhibit 2

## **NOTICE OF DEADLINES**

The appeal has been docketed by the OOR and it has been assigned to an Appeals Officer. The docket number and the Appeals Officer's contact information are included in the attachments you received along with this notice.

The Final Determination is currently due on **March 3, 2025**.

**The timeline for this RTKL appeal may be extended by the OOR during the appeal.** This extension will allow the OOR the flexibility it requires to protect due process and to ensure that the agency and requester, along with any third parties, have a full and fair opportunity to meaningfully participate in the appeal.

Evidence, legal argument and general information to support your position must be submitted within seven (7) business days from the date of this letter, unless the Appeals Officer informs you otherwise. *Note: If the proceedings have been stayed for the parties to submit a completed mediation agreement, the record will remain open for seven (7) business days beyond the mediation agreement submission deadline.*

Submissions in this case are currently due on **February 10, 2025**.

**If you are unable to meaningfully participate in this appeal under the above deadlines, please notify the Appeals Officer as soon as possible.**

Due to delays in U.S. mail, we urge agencies and requesters to use email or the E-File Appeal Portal for all communications with the OOR to the extent possible.

Presently, the OOR is receiving postal mail on a limited basis. Accordingly, we urge agencies and requesters to use email for all communication with the OOR to the extent possible.

If you have any questions about this notice or the underlying appeal, please contact the Appeals Officer. The OOR is committed to working with agencies and requesters to ensure that the RTKL appeal process proceeds as fairly and as smoothly as possible.

January 30, 2025

**Via E-File Portal Only:**

Charlie Wolfson  
PublicSource  
1936 Fifth Avenue  
Pittsburgh, PA 15219  
charlie@publicsource.org

**Via E-File Portal Only:**

Jessica Garofolo  
Agency Open Records Officer  
Allegheny County  
436 Grant Street  
Room 202 Courthouse  
Pittsburgh, PA 15219  
OpenRecords@alleghenycounty.us

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**RE: OFFICIAL NOTICE OF APPEAL - Wolfson and PublicSource v. Allegheny County OOR  
Dkt. AP 2025-0246**

Dear Parties:

**Review this information and all enclosures carefully as they affect your legal rights.**

The Office of Open Records (“OOR”) received this appeal under the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101, et seq. on January 30, 2025. A binding Final Determination (“FD”) will be issued pursuant to the timeline required by the RTKL, **please see the attached information for more information about deadlines.**

**Notes for both parties (more information in the enclosed documents):**

- The docket number above must be included on all submissions related to this appeal.
- Any information provided to the OOR must be provided to all parties involved in this appeal. Information that is not shared with all parties will not be considered.
- All submissions to the OOR, other than *in camera* records, will be public records. Do not include any sensitive information- such as Social Security numbers.

-----  
If you have questions about this appeal, please contact the assigned Appeals Officer (contact information enclosed), providing a copy of any correspondence to all parties involved in this appeal.

Sincerely,



Elizabeth Wagenseller  
Executive Director

Enc.: Description of RTKL appeal process  
Assigned Appeals Officer contact information  
Entire appeal as filed with OOR

# The Right-to-Know Law Appeal Process

**Please review this information carefully as it affects your legal rights.**

The Office of Open Records (“OOR”) has received the enclosed appeal, which was filed under the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101, et seq. A binding Final Determination will be issued by the OOR pursuant to the statutory timeline, subject to the notice of deadlines enclosed herein. If you have any questions, please contact the Appeals Officer assigned to this case. Contact information is included on the enclosed documents. **With limited exceptions, the Appeals Officer should be contacted through the E-File Portal.**

**Submissions to the OOR** **Both parties may submit evidence, legal argument, and general information to support their positions to the assigned Appeals Officer.** Please contact the Appeals Officer as soon as possible.

**Any information provided to the OOR must be provided to all parties involved in this appeal.** Information submitted to the OOR will not be considered unless it is also shared with all parties.

**Include the docket number on all submissions.**

The agency may assert exemptions on appeal even if it did not assert them when the request was denied (*Levy v. Senate of Pa.*, 65 A.3d 361 (Pa. 2013)).

It is strongly advised that attorneys and other party representatives **file an Entry of Appearance** by uploading an Entry of Appearance form to the E-File Portal or completing the form at: <https://www.openrecords.pa.gov/Appeals/EntryOfAppearance.cfm>.

*NOTE TO AGENCIES: If an Entry of Appearance is not filed, the AORO is responsible to inform attorneys and other party representatives of all docket activity.*

Generally, submissions to the OOR — other than *in camera* records — will be public records. Do not include sensitive or personal information, such as Social Security numbers, on any submissions.

**Agency Must Notify Third Parties**

If records affect a legal or security interest of a third party; contain confidential, proprietary or trademarked records; or are held by a contractor or vendor, **the agency shall notify the Appeals Officer immediately.** The Appeals Officer may direct the agency to notify such parties of the appeal and provide proof of that notice.

**If directed to provide notice**, such notice will include: (1) A copy of all documents included with this letter; and (2) A statement advising relevant third parties that interested persons may request to participate in this appeal by contacting the Appeals Officer or completing the form at <https://www.openrecords.pa.gov/Appeals/DIPRequest.cfm>. (see 65 P.S. § 67.1101(c)).

The Commonwealth Court has held that “the burden [is] on third-party contractors... to prove by a preponderance of the evidence that the [requested] records are exempt.” (*Allegheny County Dep’t of Admin. Servs. v. A Second Chance, Inc.*, 13 A.3d 1025, 1042 (Pa. Commw. Ct. 2011)). **A third party’s**



**failure to participate in a RTKL appeal before the OOR, after receiving notice, may be construed as a waiver of objections regarding release of requested records.**

If either party has questions about this requirement, they should immediately contact the Appeals Officer.

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## Statements of Fact & Burden of Proof

**Statements of fact must be supported by an affidavit or attestation made under penalty of perjury by a person with actual knowledge.** Statements of fact or allegations submitted without an affidavit may not be considered.

Under the RTKL, the agency has the burden of proving that records are exempt from public access (see 65 P.S. § 67.708(a)(1)). **To meet this burden, the agency must provide evidence to the OOR.**

The law requires the agency position to be supported by sufficient facts and citation to all relevant sections of the RTKL, case law, and OOR Final Determinations.

An affidavit or attestation is required to prove that records do not exist.

Sample affidavits are on the OOR website, [openrecords.pa.gov](http://openrecords.pa.gov).

*Any evidence or legal arguments not submitted or made to the OOR may be waived.*

---

## Preserving Responsive Records

**The agency must preserve all potentially responsive records during the RTKL appeal process**, including all proceedings before the OOR and any subsequent appeals to court.

Failure to properly preserve records may result in the agency being sanctioned by a court for acting in bad faith.

See *Lockwood v. City of Scranton*, 2019-CV-3668 (Lackawanna County Court of Common Pleas), holding that an agency had “a mandatory duty” to preserve records after receiving a RTKL request. Also see generally *Uniontown Newspapers, Inc. v. Pa. Dep’t of Corr.*, 185 A.3d 1161 (Pa. Commw. Ct. 2018), holding that “a fee award holds an agency accountable for its conduct during the RTKL process...”

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## Mediation

**The OOR offers a mediation program as an alternative to the standard appeal process.** To participate in the mediation program, both parties must agree in writing.

The agency must preserve all potentially responsive records during the RTKL appeal process. Mediation is a voluntary, informal process to help parties reach a mutually agreeable settlement. The OOR has had great success in mediating RTKL cases.

If mediation is successful, the requester will withdraw the appeal. This ensures that the case will not proceed to court — saving both sides time and money.

Either party can end mediation at any time.

If mediation is unsuccessful, both parties will be able to make submissions to the OOR as outlined on this document, and the OOR will have no less than 30 calendar days from the conclusion of the mediation process to issue a Final Determination.

Parties are encouraged to consider the OOR's mediation program as an alternative way to resolve disputes under the RTKL.

---



**APPEALS OFFICER:**

**Bandy Jarosz, Esq.**

**CONTACT INFORMATION:**

**Commonwealth of Pennsylvania  
Office of Open Records  
333 Market Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17101-2234**

**PHONE:**

**(717) 346-9903**

**FACSIMILE:**

**(717) 425-5343**

**Preferred method of contact and  
submission of information:**

**E-FILE PORTAL**

**PARTIES WITHOUT COMPUTER OR INTERNET ACCESS SHOULD PROCEED BY MAIL  
OR FACSIMILE**

**Please direct submissions and correspondence related to this appeal to the above Appeals Officer.  
Please include the case name and docket number on all submissions.**

**You must copy the other party on everything you submit to the OOR.**

The OOR website, <https://openrecords.pa.gov>, is searchable and both parties are encouraged to review prior final determinations involving similar records and fees that may impact this appeal.



pennsylvania  
OFFICE OF OPEN RECORDS

IN THE MATTER OF

\_\_\_\_\_,  
Requester

v.

\_\_\_\_\_,  
Agency

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OOR Dkt. AP \_\_\_\_\_

Please accept my appearance for the \_\_\_\_\_ in the above captioned case.  
(Requester/Agency)

**PUBLIC RECORD NOTICE: ALL FILINGS WITH THE OOR WILL BE PUBLIC RECORDS AND SUBJECT TO PUBLIC ACCESS WITH LIMITED EXCEPTION. IF YOU DO NOT WANT TO INCLUDE PERSONAL CONTACT INFORMATION IN A PUBLICLY ACCESSIBLE RECORD, PLEASE PROVIDE ALTERNATE CONTACT INFORMATION IN ORDER TO RECEIVE FUTURE CORRESPONDENCE RELATED TO THIS APPEAL.**

Attorney: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Email: \_\_\_\_\_

Phone #: \_\_\_\_\_

**Please submit this form to the Appeals Officer assigned to the appeal. Remember to copy all parties on this correspondence. The Office of Open Records will not consider direct interest filings submitted after a Final Determination has been issued in the appeal.**

## REQUEST TO PARTICIPATE BEFORE THE OOR

Please accept this as a Request to Participate in a currently pending appeal before the Office of Open Records. The statements made herein and in any attachments are true and correct to the best of my knowledge, information and belief. I understand this statement is made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsifications to authorities.

**NOTE: The requester filing the appeal with the OOR is a named party in the proceeding and is NOT required to complete this form.**

OOR Docket No: \_\_\_\_\_

Today's date: \_\_\_\_\_

Name: \_\_\_\_\_

**PUBLIC RECORD NOTICE: ALL FILINGS WITH THE OOR WILL BE PUBLIC RECORDS AND SUBJECT TO PUBLIC ACCESS WITH LIMITED EXCEPTION. IF YOU DO NOT WANT TO INCLUDE PERSONAL CONTACT INFORMATION IN A PUBLICLY ACCESSIBLE RECORD, PLEASE PROVIDE ALTERNATE CONTACT INFORMATION IN ORDER TO RECEIVE FUTURE CORRESPONDENCE RELATED TO THIS APPEAL.**

Address/City/State/Zip \_\_\_\_\_

E-mail \_\_\_\_\_

Fax Number: \_\_\_\_\_

**Name of Requester:** \_\_\_\_\_

Address/City/State/Zip \_\_\_\_\_

Telephone/Fax Number: \_\_\_\_\_ / \_\_\_\_\_

E-mail \_\_\_\_\_

**Name of Agency:** \_\_\_\_\_

Address/City/State/Zip \_\_\_\_\_

Telephone/Fax Number: \_\_\_\_\_ / \_\_\_\_\_

E-mail \_\_\_\_\_

**Record at issue:** \_\_\_\_\_

I have a direct interest in the record(s) at issue as (check all that apply):

- An employee of the agency
- The owner of a record containing confidential or proprietary information or trademarked records
- A contractor or vendor
- Other: (attach additional pages if necessary) \_\_\_\_\_

**I have attached a copy of all evidence and arguments I wish to submit in support of my position.**

Respectfully submitted, \_\_\_\_\_ (must be signed)

**Please submit this form to the Appeals Officer assigned to the appeal. Remember to copy all parties on this correspondence. The Office of Open Records will not consider direct interest filings submitted after a Final Determination has been issued in the appeal.**

# OOR Exhibit 3



**pennsylvania**  
OFFICE OF OPEN RECORDS

**IN THE MATTER OF**

**CHARLIE WOLFSON,**  
**Requester**

**v.**

**ALLEGHENY COUNTY,**  
**Respondent**

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**Docket No.: AP 2025-0246**

Please accept my appearance for the Agency in the above captioned case.

Attorney: Maggie Shiels  
Firm: Allegheny County Law Department  
Address: 445 Ft Pitt Blvd, Ste 300  
Pittsburgh, PA 15219  
Email: maggie.shiels@alleghenycounty.us  
Phone #: 412-350-1159

# OOR Exhibit 4



I hereby declare under the penalty of perjury, pursuant to 18 Pa.C.S. Â§ 4904, that the submissions provided are true and correct based upon my personal knowledge, information and belief.

Appeals Officer Jarosz and Mr. Wolfson:

Submissions in this appeal are currently due on Monday, February 10. The records at issue in this case originate with three different, independent agencies: the County Police, the Office of the District Attorney, and the Sheriff's Office. I have reached out to the Open Records Officers for the Sheriff and the District Attorney, and am hoping we can collaborate on a response. The Open Records Officer for the Sherriff will be out of town next week and I have not yet spoken with anyone at the DA's Office.

I will not be able to provide a thorough and complete response to Mr. Wolfson's appeal by Monday. Therefore, I am seeking three additional weeks to respond and a new due date of Monday, March 3, 2025.

Thank you.

-- Maggie Shiels, Assistant County Solicitor

OOR Exhibit 5

February 6, 2025

**Via E-File Portal Only:**

Charlie Wolfson  
PublicSource  
1936 Fifth Avenue  
Pittsburgh, PA 15219  
charlie@publicsource.org

**Via E-File Portal Only:**

Jessica Garofolo  
Agency Open Records Officer  
Allegheny County  
436 Grant Street  
Room 202 Courthouse  
Pittsburgh, PA 15219  
OpenRecords@alleghenycounty.us

Maggie Shiels  
Allegheny County Law Department  
445 Ft Pitt Blvd, Ste 300  
Pittsburgh, PA 15219  
maggie.shiels@alleghenycounty.us

**RE: Submission Period Extended - Wolfson and PublicSource v. Allegheny County OOR Dkt. AP 2025-0246**

Dear Parties:

I write in regard to the above appeal. The Agency requests additional time to supplement the record. The extension request is **PARTIALLY GRANTED** as the Final Determination is due March 3, 2025 and the OOR has internal deadlines for issuance of a Final Determination. As a result, both parties may submit supplemental information, if desired, until the end of the day (**11:59:59 p.m.**) on February 20, 2025.

Thank you for your attention to this matter.

Sincerely,

*/s/ Bandy Jarosz*

Bandy Jarosz

# OOR Exhibit 6

Feb. 18, 2025

Bandy Jarosz, Esq.  
333 Market Street, 16th floor  
Harrisburg, PA 17101

Jessica Garofolo  
202 Courthouse  
436 Grant Street  
Pittsburgh, PA 15219

Dear Appeals Officer Jarosz,

I file this statement of information and legal argument as a journalist employed by PublicSource, regarding the appeal with Docket No. 2025-0246.

On Jan. 10, 2025, I filed a request with Allegheny County's open records officer for the following:

I request information for all individuals employed by Allegheny County during 2024, in the form of a digital file such as a .csv or Microsoft Excel file.

Specifically, I request the following for each employee: Name department, job type, job title, date started, current position date started, date terminated (if applicable), gender, race/ethnicity, employment status, annual salary, regular pay, overtime pay, bonus pay, gross pay.

This request includes all law enforcement officers, with names redacted as needed for undercover officers.

\*This is a different dataset than is posted on WPRDC, because the WPRDC dataset has additional redactions among law enforcement officers\*

On Jan. 24, 2025, the County's open records officer denied the request for a less redacted data set, citing Section 708 (b) (1) (ii) of the RTKL, as well as Section 708 (b) (2), Section 708 (b) (6) (iii) and Section 708 (5).

The publicly available data includes redaction of names of far more law enforcement officers than those who are involved in undercover activity. In the county sheriff's department, more than three quarters of all employee names have been redacted. For the county police department, more than two thirds of all employee names have been redacted.

The county's position in this case would create a new class of secret public employee where none exists in the law, and it impermissibly expands the exemptions on the RTKL. If the General

Assembly intended to cloak all law enforcement officers with a cloak of secrecy, they could have. They did not, and the identity of any officer not actively undercover is a public record. 65 P.S. § 67.708(b)(6). Pennsylvania does not have a secret police force, nor should any democratic society, and the RTKL and its interpreting case law recognize this plain truth.

Section 708 (6) (iii) of the Right-To-Know Law permits agencies to exclude the names of law enforcement officers only if they are “performing an undercover or covert law enforcement activity.” 65 P.S. § 67.708(b)(6). The law only permits the redaction of the names of officers *currently* undercover, and the OOR has repeatedly held in this manner as a recognition of the law’s plain language as well as its remedial purpose. See e.g. *McGill and Pittsburgh Post-Gazette v. Pennsylvania State Police*, AP 2013-0472, 2013 PA O.O.R.D. LEXIS (OOR rejecting State Police position that would create a new class of public servants secret from the public they serve); *Sheehan v. Port Authority of Allegheny Co.*, AP 2017-1933; 2017 PA O.O.R.D. LEXIS 1826 (rejecting agency denial of officer names based on sections 708(b)(1), (2),(3) and (6)).

Moreover, “[A]bsent particularized concerns about the personal security of an individual” under section 708(b)(1), “the General Assembly has made the policy decision” that officer names, like those of other public employees, are public. *Pa. State Police v. McGill*, 83 A.3d 476, 480 (Pa. Cmwlth. 2014). The same particularized evidence is required by section 708(b)(2), which requires a showing that disclosure would be “reasonably likely to jeopardize or threaten public safety or preparedness or public protection activity.” 65 P.S. § 67.708(b)(2). The county has provided no evidence that either exemption applies to a particular employee.

Bald reliance on the statutory exemption language and conclusory statements do not meet the burden of proof imposed by law. See *Office of the Governor v. Scolforo*, 65 A.3d 1095, 1103 (Pa Commw. Ct. 2013) (“[A] generic determination or conclusory statements are not sufficient to justify the exemption of public records”); see also *Pa. Dep’t of Educ. v. Bagwell*, 131 A.3d at 659 (“Affidavits that are conclusory or merely parrot the exemption do not suffice”) ( *citing Scolforo*). Here, there is no evidence that all redacted individuals are currently engaged in undercover or covert work. If, indeed, all 396 redacted employees are “performing an undercover or covert law enforcement activity”, the county must affirm that fact under penalty of law. Moreover, there is no evidence, particularized or general, to support the county’s reliance on sections 708(b)(1) and (2), and there is similarly no evidence to show how the redacted names would implicate section 708(b)(5)’s exemption related to enrollment in health care programs. The county’s position is wholly conclusory and without the evidentiary support necessary to meet the burden of proof.

It is also worth noting that the county issued a similar denial last year related to the same information, and the OOR rejected the county’s position. See *Wolfson and Public Source v. Allegheny County*, AP 2024-0196; 2024 PA O.O.R.D. LEXIS 513. The county’s continued denial of public information that conflicts with well settled law raises issues of bad faith and unreasonable interpretation of the law, which could give rise to penalties. 65 P.S. § 67.1304(a)(1) and (2).

In light of the clear mandate for access to the names of public employees, I respectfully request the OOR to order the county to provide documentation including the names, along with the other information originally requested, of each employee that is not undercover or covert at the time of the request.

If the county submits additional evidence in the course of this appeal, I respectfully request 3 business days in which to respond.

Sincerely,

Charlie Wolfson  
Reporter  
PublicSource

Attached:

Jan. 10, 2025 records request (from Requester)  
Jan. 16, 2025 notice of extension (from County)  
Jan. 24, 2025 final response (from County)

# Standard Right-to-Know Law Request Form

**SUBMITTED TO AGENCY NAME:** Allegheny County

Date of Request: Jan. 10, 2025 Submitted via:  Email  U.S. Mail  Fax  In Person

**PERSON MAKING REQUEST:**

Name: Charlie Wolfson Company (if applicable): PublicSource

Mailing Address: 1936 Fifth Avenue, Pittsburgh, PA 15219

Email: charlie@publicsource.org

Telephone: 412-779-7508

How do you prefer to be contacted if the agency has questions?  Telephone  Email  U.S. Mail

**RECORDS REQUESTED:**

I request information for all individuals employed by Allegheny County during 2024, in the form of a digital file such as a .csv or Microsoft Excel file.

Specifically, I request the following for each employee: Name, department, job type, job title, date started, current position date started, date terminated (if applicable), gender, race/ethnicity, employment status, annual salary, regular pay, overtime pay, bonus pay, gross pay.

This request includes all law enforcement officers, with names redacted as needed for undercover officers.

\*This is a different dataset than is posted on WPRDC, because the WPRDC dataset has additional redactions among law enforcement officers\*

**\*Please contact me by phone (412-779-7508) if you have any questions\***

**DO YOU WANT COPIES?**  Yes, electronic copies preferred if available

Yes, printed copies preferred

No, in-person inspection of records preferred (*may request copies later*)

Do you want [certified copies](#)?  Yes (*may be subject to additional costs*)  No



*RTKL requests may require payment or prepayment of fees. See the [Official RTKL Fee Schedule](#) for more details.*

**Please notify me if fees associated with this request will be more than  \$100 (or)  \$25.00\_.**

**ITEMS BELOW THIS LINE FOR AGENCY USE ONLY**

Tracking: \_\_\_\_\_ Date Received: \_\_\_\_\_ Response Due (5 bus. days): \_\_\_\_\_

30-Day Ext.?  Yes  No (If Yes, Final Due Date: \_\_\_\_\_) Actual Response Date: \_\_\_\_\_

Request was:  Granted  Partially Granted & Denied  Denied Cost to Requester: \$ \_\_\_\_\_

Appropriate third parties notified and given an opportunity to object to the release of requested records.

COUNTY OF



ALLEGHENY

SARA INNAMORATO  
COUNTY EXECUTIVE

January 16, 2025

Charlie Wolfson  
PublicSource  
1936 Fifth Avenue  
Pittsburgh, PA 15219

Re: RTKL Request – Initial Response #19200

Dear Mr. Wolfson:

This is in response to your attached request for records made pursuant the Pennsylvania Right-to-Know Law (RTKL), which this office received on January 10, 2025.

In your request you state:

*I request information for all individuals employed by Allegheny County during 2024, in the form of a digital file such as a .csv or Microsoft Excel file.*

*Specifically, I request the following for each employee: Name, department, job type, job title, date started, current position date started, date terminated (if applicable), gender, race/ethnicity, employment status, annual salary, regular pay, overtime pay, bonus pay, gross pay.*

*This request includes all law enforcement officers, with names redacted as needed for undercover officers.*

*\*This is a different dataset than is posted on WPRDC, because the WPRDC dataset has additional redactions among law enforcement officers\**

Please be advised that the County is invoking its right under Section 902 of the RTKL for an extension of time to complete a review of your request and to issue a final response for the following reason:

Section 902 (a) (3) – A timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations. Limited staff requires the need for additional time.

By law, the Allegheny County Open Records Office has thirty days to issue a final response regarding this request. A response is expected to be provided within thirty days of the date of this letter.

January 16, 2025

Page Two

Sincerely,

A handwritten signature in black ink that reads "Jessica Garofolo". The signature is written in a cursive, flowing style.

Jessica Garofolo, Director  
County of Allegheny Open Records Officer

## Standard Right-to-Know Law Request Form

**SUBMITTED TO AGENCY NAME:** Allegheny County

Date of Request: Jan. 10, 2025 Submitted via:  Email  U.S. Mail  Fax  In Person

### PERSON MAKING REQUEST:

Name: Charlie Wolfson Company (if applicable): PublicSource

Mailing Address: 1936 Fifth Avenue, Pittsburgh, PA 15219

Email: charlie@publicsource.org

Telephone: 412-779-7508

How do you prefer to be contacted if the agency has questions?  Telephone  Email  U.S. Mail

### RECORDS REQUESTED:

I request information for all individuals employed by Allegheny County during 2024, in the form of a digital file such as a .csv or Microsoft Excel file.

Specifically, I request the following for each employee: Name, department, job type, job title, date started, current position date started, date terminated (if applicable), gender, race/ethnicity, employment status, annual salary, regular pay, overtime pay, bonus pay, gross pay.

This request includes all law enforcement officers, with names redacted as needed for undercover officers.

\*This is a different dataset than is posted on WPRDC, because the WPRDC dataset has additional redactions among law enforcement officers\*

**\*Please contact me by phone (412-779-7508) if you have any questions\***

**DO YOU WANT COPIES?**  Yes, electronic copies preferred if available

Yes, printed copies preferred

No, in-person inspection of records preferred (*may request copies later*)

Do you want certified copies?  Yes (*may be subject to additional costs*)  No

*RTKL requests may require payment or prepayment of fees. See the Official RTKL Fee Schedule for more details.*

**Please notify me if fees associated with this request will be more than  \$100 (or)  \$25.00\_.**

**ITEMS BELOW THIS LINE FOR AGENCY USE ONLY**

Tracking: \_\_\_\_\_ Date Received: \_\_\_\_\_ Response Due (5 bus. days): \_\_\_\_\_

30-Day Ext.?  Yes  No (If Yes, Final Due Date: \_\_\_\_\_) Actual Response Date: \_\_\_\_\_

Request was:  Granted  Partially Granted & Denied  Denied Cost to Requester: \$ \_\_\_\_\_

Appropriate third parties notified and given an opportunity to object to the release of requested records.

COUNTY OF



ALLEGHENY

SARA INNAMORATO  
COUNTY EXECUTIVE

January 24, 2025

Charlie Wolfson  
PublicSource  
1936 Fifth Avenue  
Pittsburgh, PA 15219

Re: RTKL Request – Final Response #19200

Dear Mr. Wolfson:

This is in response to your attached request for records made pursuant the Pennsylvania Right-to-Know Law (RTKL). This office received your request on January 10, 2025 and notified you on January 16, 2025 that an extension of time to respond to your request was necessary due to bona fide staffing limitations.

In your request you state:

*I request information for all individuals employed by Allegheny County during 2024, in the form of a digital file such as a .csv or Microsoft Excel file.*

*Specifically, I request the following for each employee: Name, department, job type, job title, date started, current position date started, date terminated (if applicable), gender, race/ethnicity, employment status, annual salary, regular pay, overtime pay, bonus pay, gross pay.*

*This request includes all law enforcement officers, with names redacted as needed for undercover officers.*

*\*This is a different dataset than is posted on WPRDC, because the WPRDC dataset has additional redactions among law enforcement officers\**

Your request is granted in part and denied in part for the reasons set forth below.

Section 704 (b) (1) of the RTKL states in pertinent part, “an agency may respond to a request by notifying the requester that the record is available through publicly accessible electronic means.” The information you requested is available on the publicly available website, namely, the website of the Western Pennsylvania Regional Data Center (WPRDC). Below is a link to the WPRDC website where you can find this information.

<https://data.wprdc.org/dataset/allegheny-county-employee-salaries>

However, portions of the record required redactions in order not to disclose:

- Information that would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual, exempt from disclosure under Section 708 (b) (1) (ii) of the RTKL.
- Information that if disclosed, would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection activity, exempt from disclosure under Section 708 (b) (2) of the RTKL.
- The names of individuals performing undercover or covert law enforcement activities, exempt from disclosure under Section 708 (b) (6) (iii) of the RTKL.
- Information that would disclose an individual enrollment in a health care program, exempt from disclosure under Section 708 (5) of the RTKL.

Therefore, as to the information redacted from this record, your request is respectfully denied.

This Office is aware of your note specifying that you have successfully appealed decisions in the past and received records with fewer redacted names. Upon consultation with the Allegheny County Police Department, we must respectfully decline your request for a list with fewer redacted names. Repeated release of the County's employee list with redactions of only the officers who are currently performing undercover or covert law enforcement activities at the time the list is provided would result in a risk to the personal security of officers who may have performed those functions in the past, but may not be doing so currently.

Additionally, information pertaining to Court of Common Pleas employees has not been included in the record provided because the Allegheny County Court of Common Pleas ("the Courts") is a separate and independent branch of government not subject to the County's RTKL policy and practices. You should direct your request for this information to the Courts' RTKL Officer at the address listed below:

Attn: Rule 509 Administrator  
Court Administration  
300 Frick Building - 437 Grant Street  
Pittsburgh, PA 15219  
412.350.5410 telephone  
412.350.3930 fax  
e-mail: [Rule509.Administrator@alleghencourts.us](mailto:Rule509.Administrator@alleghencourts.us)

Pursuant to Section 1101 of the RTKL, a party denied access to a requested record may file a written appeal of the denial with the Pennsylvania Office of Open Records ("OOR") within fifteen (15) business days of the mailing date of the local agency's response. The OOR's address is:

Pennsylvania Office of Open Records  
333 Market Street - 16th Floor  
Harrisburg, PA 17126-0333

January 24, 2025

Page Three

Sincerely,

A handwritten signature in black ink that reads "Jessica Garofolo". The signature is written in a cursive, flowing style.

Jessica Garofolo, Director  
County of Allegheny Open Records Officer



## Standard Right-to-Know Law Request Form

**SUBMITTED TO AGENCY NAME:** Allegheny County

Date of Request: Jan. 10, 2025 Submitted via:  Email  U.S. Mail  Fax  In Person

### PERSON MAKING REQUEST:

Name: Charlie Wolfson Company (if applicable): PublicSource

Mailing Address: 1936 Fifth Avenue, Pittsburgh, PA 15219

Email: charlie@publicsource.org

Telephone: 412-779-7508

How do you prefer to be contacted if the agency has questions?  Telephone  Email  U.S. Mail

### RECORDS REQUESTED:

I request information for all individuals employed by Allegheny County during 2024, in the form of a digital file such as a .csv or Microsoft Excel file.

Specifically, I request the following for each employee: Name, department, job type, job title, date started, current position date started, date terminated (if applicable), gender, race/ethnicity, employment status, annual salary, regular pay, overtime pay, bonus pay, gross pay.

This request includes all law enforcement officers, with names redacted as needed for undercover officers.

\*This is a different dataset than is posted on WPRDC, because the WPRDC dataset has additional redactions among law enforcement officers\*

**\*Please contact me by phone (412-779-7508) if you have any questions\***

**DO YOU WANT COPIES?**  Yes, electronic copies preferred if available

Yes, printed copies preferred

No, in-person inspection of records preferred (*may request copies later*)

Do you want certified copies?  Yes (*may be subject to additional costs*)  No

*RTKL requests may require payment or prepayment of fees. See the Official RTKL Fee Schedule for more details.*

**Please notify me if fees associated with this request will be more than  \$100 (or)  \$25.00\_.**

**ITEMS BELOW THIS LINE FOR AGENCY USE ONLY**

Tracking: \_\_\_\_\_ Date Received: \_\_\_\_\_ Response Due (5 bus. days): \_\_\_\_\_

30-Day Ext.?  Yes  No (If Yes, Final Due Date: \_\_\_\_\_) Actual Response Date: \_\_\_\_\_

Request was:  Granted  Partially Granted & Denied  Denied Cost to Requester: \$ \_\_\_\_\_

Appropriate third parties notified and given an opportunity to object to the release of requested records.

OOR Exhibit 7

**IN THE PENNSYLVANIA OFFICE OF OPEN RECORDS**

**IN THE MATTER OF:**

CHARLIE WOLFSON,  
Requester,

Docket No.: 2025-0246

vs.

ALLEGHENY COUNTY,  
Respondent.

**STATEMENT OF INFORMATION AND LEGAL ARGUMENT**

AND NOW comes the Respondent, Allegheny County (“County”), by and through its undersigned attorney, and files this Statement of Information and Legal Argument in compliance with the Pennsylvania Office of Open Records’ Official Notices of Appeal dated January 18, 2024, and states as follows:

**FACTUAL BACKGROUND**

On January 10, 2025, Charlie Wolfson submitted a request to Allegheny County for records pursuant to the Right to Know Law (“RTKL”). (Exhibit A.) The request stated:

I request information for all individuals employed by Allegheny County during 2024, in the form of a digital file such as a .csv or Microsoft Excel file.

Specifically, I request the following for each employee: Name, department, job type, job title, date started, current position...date terminated (if applicable), gender, race/ethnicity, employment status, annual salary, regular pay, overtime pay, bonus pay, gross pay.

This request includes all law enforcement officers, with names redacted as needed for undercover officers.

\*This is a different dataset than is posted on WPRDC, because the WPRDC dataset has additional redactions among law enforcement officers\*

The request was given internal number 19200.

The County Department of Administrative Services serves as the County’s Open Records Office, and its Director, Jessica Garofolo, serves as the County’s Open Records Officer. On January 16, 2025, the County sent Mr. Wolfson a letter stating that the County was invoking its right under Section 902 of the RTKL for additional time to review his request. (Exhibit B.) On January 24, 2025, The County sent Mr. Wolfson a letter explaining that the information he sought was available publicly on the Western Pennsylvania Regional Data Center (“WPRDC”) website and provided him with a link. (Exhibit C.) The letter explained that the information on the website was redacted based on several exemptions to the RTKL, and that the County would not provide him with a list containing fewer redactions because this would jeopardize the identities of employees who perform undercover or covert law enforcement activities. (*See id.*)

Mr. Wolfson filed an appeal to the Office of Open Records (“OOR”) on January 30, 2025.

### **ARGUMENT**

The RTKL does not require local agencies to reveal the identities of employees who serve in an undercover or covert law enforcement activity. *See* 65 P.S. §67.708(b)(6)(iii). These names can be redacted from any record, including financial records. *See* 65 P.S. §67.708(c). The RTKL also exempts information if disclosure would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual. *See* 65 P.S. §67.708(b)(1)(ii). This information can also be redacted from financial records. *See* 65 P.S. §67.708(c). The County’s evidence demonstrates that these exemptions apply to the County police officers, deputy sheriffs, and District Attorney’s Office detectives whose names are redacted from the public chart that the County publishes online.

Mr. Wolfson submitted a similar request to the County a year ago, which resulted in OOR Final Determination No.: AP 2024-0196. In that appeal, Mr. Wolfson argued that the County

redacted the names of far more employees than could reasonably be serving undercover functions. (*See id.* at 2.) Although the OOR requested additional evidence from the County regarding these names, the County did not provide it. (*See id.* at 3.) The OOR found that “the County’s evidence does not provide details or even a general description regarding the nature of the undercover or covert operations work engaged in by nearly 400 County law enforcement employees,” and that the County had not demonstrated that any other RTKL exemption applied. (*See id.* at 6.) Therefore, the OOR ordered the County to review the redacted names to determine that only exempt names were redacted. (*See id.* at 7.) The County complied with the Final Determination by providing Mr. Wolfson with a new list from which only the names of employees who were currently performing undercover activities were redacted.

Upon further consideration of the issues in this case, the County has determined that the RTKL does not require it to provide Mr. Wolfson, or any requester, with a list of employees in which only the employees currently working undercover are redacted. This would be tantamount to revealing the names of employees who worked undercover in the past but were not doing so at the time of the request. If the same requester were to request the list over time, as Mr. Wolfson has done, that requester could determine which employees move in and out of an undercover capacity. This result would be contrary to the RTKL’s explicit protection of the identities of undercover law enforcement officers.

To support its position, the County submits two affidavits. The first is from Nichole Nagle, of the County’s Department of Human Resources. (Exhibit D.) Ms. Nagle explains that before the County posts its salary and demographic information online, she reviews it to ensure that the names of anyone who might be assigned to perform an undercover or covert law enforcement activity. (*Id.* at ¶ 3.) Ms. Nagle points out that “assignments are not static.” (*Id.*)

Ms. Nagle's Affidavit also includes an explanation of the few redactions to the public list that are not based on undercover law enforcement functions. (*See id.* at ¶ 4.) She avers that some County employees' names are redacted because they work in modified duty positions, and to reveal their names would also reveal protected information. (*See id.*) Another employee's name is withheld due to a specific situation in that employee's past and that employee's reasonable fear for their personal security. (*See id.*) This Affidavit is sufficient to demonstrate that some names are redacted due Sections 708(b)(1)(ii) and 708(b)(5) of the RTKL.

The County also submits the affidavit of Superintendent Christopher Kearns of the Allegheny County Police Department ("ACPD"). (Exhibit E.) The Kearns Affidavit supports the County's position that names of all ACPD sergeants, lieutenants, and many police officers were properly redacted pursuant to the personal security exemption to the RTKL, Section 708(b)(1)(ii), and in order to protect the identities of employees performing undercover or covert law enforcement activities. Superintendent Kearns explains that ACPD officers transfer between the ACPD's divisions, and some assignments involve "a variety of high risk, dangerous situations." (*See id.* at ¶ 4.) He also avers that the ACPD narcotics/vice unit involves undercover work, and "any of the ACPD officers, sergeants, and lieutenants whose names are redacted may be called upon to perform undercover law enforcement functions." (*Id.* at ¶ 5.)

The Kearns Affidavit demonstrates that providing RTKL requesters with a list of ACPD officers who are currently performing undercover work at the moment the list is provided would, over time, put officers at risk. (*See id.* at ¶ 5.) Requesters could compare versions of the list to see which names "went in and out of redaction," and determine that these officers performed undercover law enforcement activities. (*See id.*) This Affidavit is sufficient to show that the County correctly redacts the names of ACPD officers who could, at any time, be assigned to a unit that

would either involve undercover law enforcement activities and who could, at any time, be assigned to a unit involving dangerous work that could lead to the officers being targeted if their identities were known.

Although the undersigned counsel does not represent the County's Office of the District Attorney or the County Sheriff, and although these elected officials have their own Open Records Officers, the County submits affidavits from them to support the County's position that employees from the Office of the District Attorney and the County Sheriff should also be redacted. (Exhibits G and H.) These affidavits fulfill the District Attorney and the Sheriff's burden to demonstrate that the personal security and undercover activity exemptions apply to their employees as well.

Because the names that the County redacted are protected by exemptions, this appeal should be dismissed.

Respectfully submitted:

/s/ Maggie Shiels

Assistant County Solicitor  
Pa Bar ID: 321614

Allegheny County Law Dept.  
445 Fort Pitt Blvd., Suite 300  
(412) 350-1120  
Attorneys for Respondent –  
Allegheny County



**IN THE PENNSYLVANIA OFFICE OF OPEN RECORDS**

**IN THE MATTER OF:**

CHARLIE WOLFSON,  
Complainant,

Docket No.: 2025-0246

vs.

ALLEGHENY COUNTY,  
Respondent.

**PROOF OF SERVICE**

I hereby certify that a true and correct copy of the Statement of Information and Legal Argument was served upon the persons and in the manner set forth below:

**Service by OOR Appeals E-Portal as Follows:**

Brandy Jarosz, Esq  
Commonwealth of Pennsylvania  
Office of Open Records  
333 Market Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17120-2234

Charlie Wolfson  
PublicSource  
1936 Fifth Ave.  
Pittsburgh, PA 15219

Date: February 20, 2025

/s/ Maggie Shiels  
Assistant County Solicitor

## Standard Right-to-Know Law Request Form

**SUBMITTED TO AGENCY NAME:** Allegheny County

Date of Request: Jan. 10, 2025 Submitted via:  Email  U.S. Mail  Fax  In Person

**PERSON MAKING REQUEST:**

Name: Charlie Wolfson Company (if applicable): PublicSource

Mailing Address: 1936 Fifth Avenue, Pittsburgh, PA 15219

Email: charlie@publicsource.org

Telephone: 412-779-7508

How do you prefer to be contacted if the agency has questions?  Telephone  Email  U.S. Mail

**RECORDS REQUESTED:**

I request information for all individuals employed by Allegheny County during 2024, in the form of a digital file such as a .csv or Microsoft Excel file.

Specifically, I request the following for each employee: Name, department, job type, job title, date started, current position date started, date terminated (if applicable), gender, race/ethnicity, employment status, annual salary, regular pay, overtime pay, bonus pay, gross pay.

This request includes all law enforcement officers, with names redacted as needed for undercover officers.

\*This is a different dataset than is posted on WPRDC, because the WPRDC dataset has additional redactions among law enforcement officers\*

**\*Please contact me by phone (412-779-7508) if you have any questions\***

**DO YOU WANT COPIES?**  Yes, electronic copies preferred if available

Yes, printed copies preferred

No, in-person inspection of records preferred (*may request copies later*)

Do you want certified copies?  Yes (*may be subject to additional costs*)  No

*RTKL requests may require payment or prepayment of fees. See the Official RTKL Fee Schedule for more details.*

**Please notify me if fees associated with this request will be more than  \$100 (or)  \$25.00.**

**ITEMS BELOW THIS LINE FOR AGENCY USE ONLY**

Tracking: \_\_\_\_\_ Date Received: \_\_\_\_\_ Response Due (5 bus. days): \_\_\_\_\_

30-Day Ext.?  Yes  No (If Yes, Final Due Date: \_\_\_\_\_) Actual Response Date: \_\_\_\_\_

Request was:  Granted  Partially Granted & Denied  Denied Cost to Requester: \$ \_\_\_\_\_

Appropriate third parties notified and given an opportunity to object to the release of requested records.

COUNTY OF



ALLEGHENY

SARA INNAMORATO  
COUNTY EXECUTIVE

January 16, 2025

Charlie Wolfson  
PublicSource  
1936 Fifth Avenue  
Pittsburgh, PA 15219

Re: RTKL Request – Initial Response #19200

Dear Mr. Wolfson:

This is in response to your attached request for records made pursuant the Pennsylvania Right-to-Know Law (RTKL), which this office received on January 10, 2025.

In your request you state:

*I request information for all individuals employed by Allegheny County during 2024, in the form of a digital file such as a .csv or Microsoft Excel file.*

*Specifically, I request the following for each employee: Name, department, job type, job title, date started, current position date started, date terminated (if applicable), gender, race/ethnicity, employment status, annual salary, regular pay, overtime pay, bonus pay, gross pay.*

*This request includes all law enforcement officers, with names redacted as needed for undercover officers.*

*\*This is a different dataset than is posted on WPRDC, because the WPRDC dataset has additional redactions among law enforcement officers\**

Please be advised that the County is invoking its right under Section 902 of the RTKL for an extension of time to complete a review of your request and to issue a final response for the following reason:

Section 902 (a) (3) – A timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations. Limited staff requires the need for additional time.

By law, the Allegheny County Open Records Office has thirty days to issue a final response regarding this request. A response is expected to be provided within thirty days of the date of this letter.

January 16, 2025  
Page Two

Sincerely,

A handwritten signature in black ink that reads "Jessica Garofolo". The signature is written in a cursive style with a large, prominent initial "J".

Jessica Garofolo, Director  
County of Allegheny Open Records Officer

## Standard Right-to-Know Law Request Form

**SUBMITTED TO AGENCY NAME:** Allegheny County

Date of Request: Jan. 10, 2025 Submitted via:  Email  U.S. Mail  Fax  In Person

**PERSON MAKING REQUEST:**

Name: Charlie Wolfson Company (if applicable): PublicSource

Mailing Address: 1936 Fifth Avenue, Pittsburgh, PA 15219

Email: charlie@publicsource.org

Telephone: 412-779-7508

How do you prefer to be contacted if the agency has questions?  Telephone  Email  U.S. Mail

**RECORDS REQUESTED:**

I request information for all individuals employed by Allegheny County during 2024, in the form of a digital file such as a .csv or Microsoft Excel file.

Specifically, I request the following for each employee: Name, department, job type, job title, date started, current position date started, date terminated (if applicable), gender, race/ethnicity, employment status, annual salary, regular pay, overtime pay, bonus pay, gross pay.

This request includes all law enforcement officers, with names redacted as needed for undercover officers.

\*This is a different dataset than is posted on WPRDC, because the WPRDC dataset has additional redactions among law enforcement officers\*

**\*Please contact me by phone (412-779-7508) if you have any questions\***

**DO YOU WANT COPIES?**  Yes, electronic copies preferred if available

Yes, printed copies preferred

No, in-person inspection of records preferred (*may request copies later*)

Do you want certified copies?  Yes (*may be subject to additional costs*)  No

*RTKL requests may require payment or prepayment of fees. See the Official RTKL Fee Schedule for more details.*

**Please notify me if fees associated with this request will be more than  \$100 (or)  \$25.00\_.**

**ITEMS BELOW THIS LINE FOR AGENCY USE ONLY**

Tracking: \_\_\_\_\_ Date Received: \_\_\_\_\_ Response Due (5 bus. days): \_\_\_\_\_

30-Day Ext.?  Yes  No (If Yes, Final Due Date: \_\_\_\_\_) Actual Response Date: \_\_\_\_\_

Request was:  Granted  Partially Granted & Denied  Denied Cost to Requester: \$ \_\_\_\_\_

Appropriate third parties notified and given an opportunity to object to the release of requested records.

COUNTY OF



ALLEGHENY

SARA INNAMORATO  
COUNTY EXECUTIVE

January 24, 2025

Charlie Wolfson  
PublicSource  
1936 Fifth Avenue  
Pittsburgh, PA 15219

Re: RTKL Request – Final Response #19200

Dear Mr. Wolfson:

This is in response to your attached request for records made pursuant the Pennsylvania Right-to-Know Law (RTKL). This office received your request on January 10, 2025 and notified you on January 16, 2025 that an extension of time to respond to your request was necessary due to bona fide staffing limitations.

In your request you state:

*I request information for all individuals employed by Allegheny County during 2024, in the form of a digital file such as a .csv or Microsoft Excel file.*

*Specifically, I request the following for each employee: Name, department, job type, job title, date started, current position date started, date terminated (if applicable), gender, race/ethnicity, employment status, annual salary, regular pay, overtime pay, bonus pay, gross pay.*

*This request includes all law enforcement officers, with names redacted as needed for undercover officers.*

*\*This is a different dataset than is posted on WPRDC, because the WPRDC dataset has additional redactions among law enforcement officers\**

Your request is granted in part and denied in part for the reasons set forth below.

Section 704 (b) (1) of the RTKL states in pertinent part, “an agency may respond to a request by notifying the requester that the record is available through publicly accessible electronic means.” The information you requested is available on the publicly available website, namely, the website of the Western Pennsylvania Regional Data Center (WPRDC). Below is a link to the WPRDC website where you can find this information.

<https://data.wprdc.org/dataset/allegheny-county-employee-salaries>



January 24, 2025  
Page Two

However, portions of the record required redactions in order not to disclose:

- Information that would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual, exempt from disclosure under Section 708 (b) (1) (ii) of the RTKL.
- Information that if disclosed, would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection activity, exempt from disclosure under Section 708 (b) (2) of the RTKL.
- The names of individuals performing undercover or covert law enforcement activities, exempt from disclosure under Section 708 (b) (6) (iii) of the RTKL.
- Information that would disclose an individual enrollment in a health care program, exempt from disclosure under Section 708 (5) of the RTKL.

Therefore, as to the information redacted from this record, your request is respectfully denied.

This Office is aware of your note specifying that you have successfully appealed decisions in the past and received records with fewer redacted names. Upon consultation with the Allegheny County Police Department, we must respectfully decline your request for a list with fewer redacted names. Repeated release of the County's employee list with redactions of only the officers who are currently performing undercover or covert law enforcement activities at the time the list is provided would result in a risk to the personal security of officers who may have performed those functions in the past, but may not be doing so currently.

Additionally, information pertaining to Court of Common Pleas employees has not been included in the record provided because the Allegheny County Court of Common Pleas ("the Courts") is a separate and independent branch of government not subject to the County's RTKL policy and practices. You should direct your request for this information to the Courts' RTKL Officer at the address listed below:

Attn: Rule 509 Administrator  
Court Administration  
300 Frick Building - 437 Grant Street  
Pittsburgh, PA 15219  
412.350.5410 telephone  
412.350.3930 fax  
e-mail: [Rule509.Administrator@alleghencourts.us](mailto:Rule509.Administrator@alleghencourts.us)

Pursuant to Section 1101 of the RTKL, a party denied access to a requested record may file a written appeal of the denial with the Pennsylvania Office of Open Records ("OOR") within fifteen (15) business days of the mailing date of the local agency's response. The OOR's address is:

Pennsylvania Office of Open Records  
333 Market Street - 16th Floor  
Harrisburg, PA 17126-0333

January 24, 2025  
Page Three

Sincerely,

A handwritten signature in black ink that reads "Jessica Garofolo". The signature is written in a cursive, flowing style.

Jessica Garofolo, Director  
County of Allegheny Open Records Officer

## Standard Right-to-Know Law Request Form

**SUBMITTED TO AGENCY NAME:** Allegheny County

Date of Request: Jan. 10, 2025 Submitted via:  Email  U.S. Mail  Fax  In Person

**PERSON MAKING REQUEST:**

Name: Charlie Wolfson Company (if applicable): PublicSource

Mailing Address: 1936 Fifth Avenue, Pittsburgh, PA 15219

Email: charlie@publicsource.org

Telephone: 412-779-7508

How do you prefer to be contacted if the agency has questions?  Telephone  Email  U.S. Mail

**RECORDS REQUESTED:**

I request information for all individuals employed by Allegheny County during 2024, in the form of a digital file such as a .csv or Microsoft Excel file.

Specifically, I request the following for each employee: Name, department, job type, job title, date started, current position date started, date terminated (if applicable), gender, race/ethnicity, employment status, annual salary, regular pay, overtime pay, bonus pay, gross pay.

This request includes all law enforcement officers, with names redacted as needed for undercover officers.

\*This is a different dataset than is posted on WPRDC, because the WPRDC dataset has additional redactions among law enforcement officers\*

**\*Please contact me by phone (412-779-7508) if you have any questions\***

**DO YOU WANT COPIES?**  Yes, electronic copies preferred if available

Yes, printed copies preferred

No, in-person inspection of records preferred (*may request copies later*)

Do you want certified copies?  Yes (*may be subject to additional costs*)  No

*RTKL requests may require payment or prepayment of fees. See the Official RTKL Fee Schedule for more details.*

**Please notify me if fees associated with this request will be more than  \$100 (or)  \$25.00.**

**ITEMS BELOW THIS LINE FOR AGENCY USE ONLY**

Tracking: \_\_\_\_\_ Date Received: \_\_\_\_\_ Response Due (5 bus. days): \_\_\_\_\_

30-Day Ext.?  Yes  No (If Yes, Final Due Date: \_\_\_\_\_) Actual Response Date: \_\_\_\_\_

Request was:  Granted  Partially Granted & Denied  Denied Cost to Requester: \$ \_\_\_\_\_

Appropriate third parties notified and given an opportunity to object to the release of requested records.

IN THE PENNSYLVANIA OFFICE OF OPEN RECORDS

IN THE MATTER OF:

CHARLIE WOLFSON,  
Complainant,

Docket No.: 2025-0246

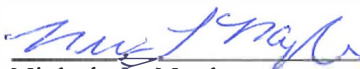
vs.

ALLEGHENY COUNTY,  
Respondent.

**AFFIDAVIT OF NICHOLE L. NAGLE**

I, Nichole L. Nagle, hereby declare under the penalty of perjury, pursuant to 18 Pa. C. S. A. § 4904, that the following statements are true and correct based upon my personal knowledge, information, and belief:

1. My name is Nichole L. Nagle. I am the Employee Relations Manager for the Allegheny County Department of Human Resources.
2. The County publishes salary and demographic information online at <https://data.wprdc.org/dataset/allegheny-county-employee-salaries>. Data for individuals employed in the Executive Branch departments, Row Offices and the Office of County Council who worked for the County in 2024 is currently available.
3. Before the data is published, I review it to ensure the names of every individual whose job title indicates that they are, or could be assigned to perform an undercover or covert law enforcement activity are redacted because assignments are not static. Two examples are detectives who work for the Office of the District Attorney and sergeants with the Allegheny County Police Department.
4. Individuals working at Kane Regional Centers in modified duty positions are also redacted. Revealing the name of an employee in a modified duty position would disclose information about that individual's medical, psychiatric, or psychological history or disability status, which is exempt from the Right to Know Law. The County redacts the name of an individual at Kane because revealing their name would endanger their personal security. The reason is that this person was a victim of a violent crime and explained to me that they were afraid that publishing their name would lead to the perpetrator discovering their workplace.

  
\_\_\_\_\_  
Nichole L. Nagle  
2/19/2025  
\_\_\_\_\_  
Date

**IN THE PENNSYLVANIA OFFICE OF OPEN RECORDS****IN THE MATTER OF:**

CHARLIE WOLFSON,  
Complainant,

Docket No.: 2025-0246

vs.

ALLEGHENY COUNTY,  
Respondent.

**AFFIDAVIT OF SUPERINTENDENT CHRISTOPHER KEARNS**

I hereby declare under the penalty of perjury, pursuant to 18 Pa. C. S. A. § 4904, that the following statements are true and correct based upon my personal knowledge, information, and belief:

1. My name is Christopher Kearns and I am the Superintendent of the Allegheny County Police Department. This is the highest sworn rank within the department that I have held since March 28, 2021. Prior to that I held all lower sworn positions and worked in each uniform and detective division throughout my 38 year tenure with the department.
2. The ACPD is aware that Allegheny County publishes salary and demographic information online at <https://data.wprdc.org/dataset/allegheny-county-employee-salaries>. Before this information is published, the ACPD requests that the County's Human Resources Department redacts the first and last name of all ACPD sergeants, lieutenants, and most of our police officers.
3. The redactions at issue are necessary because publicizing these names could result in a substantial risk to the personal security of these officers.
4. Our Department has three uniform divisions and three detective divisions. Every January we transfer officers and detectives between and among the various uniform districts and detective divisions. Some members may be transferred quickly after short stays within a unit or district, others may stay for longer periods of time. In addition to regular annual transfers, members may be transferred throughout the year. Particularly these detective units, but our uniform districts also, are called upon in a variety of high risk, dangerous situations.
5. One of our detective units that members transfer into and out of is the narcotics/vice unit, which unit utilizes their members in an undercover capacity. Very often, the investigations persist for days, months and sometimes years. Any of the ACPD police officers, sergeants, and lieutenants whose names are redacted may be called upon to perform undercover law enforcement functions. If the ACPD provided lists of police officers with redactions only for those officers currently

performing undercover law enforcement functions at the snapshot in time that the list is provided, this would compromise the safety and security of the officers. We would expect multiple requests throughout the years in an effort to determine which officers' names went in and out of redaction. It would be reasonable to conclude thereby that those officers perform undercover functions.

6. The redaction is done in an attempt to shield the identification and disclosure of our members, as well as the chain of command, which could endanger the personal safety of these officers and make them and their families targets of the violent individuals they have or will seek to apprehend.

2/20/25  
Date

  
Christopher Kearns, Superintendent

AFFIDAVIT

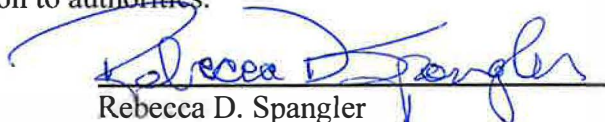
COMMONWEALTH OF PENNSYLVANIA :  
: COUNTY OF ALLEGHENY :

Re: *Charlie Wolfson v. Allegheny County*  
AP 2025-0246

I, Rebecca D. Spangler, Esquire, do hereby say and depose that I am the First Assistant District Attorney and Chief of Staff for the Allegheny County District Attorney’s Office (ACDA). The ACDA has an Investigations Unit to which approximately 20 detectives are assigned.

These detectives work interchangeably on the District Attorney’s Narcotics Enforcement Team, the Gun Violence Task Force, Nuisance Property and Bar Task Force, and complex fraud and theft investigation cases. Any and all of the detectives may be assigned to work undercover surveillance in any of these investigations along with other law enforcement agencies. For the safety of the individual officers and the integrity of investigations, the names and other identifying information of the ACDA detectives must be redacted.

I verify that the statements made in this affidavit are true and correct to the best of my knowledge and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

  
Rebecca D. Spangler  
First Assistant District Attorney/  
Chief of Staff

Date: February 19/2025

SWORN TO and SUBSCRIBED

before me this 19<sup>th</sup> of FEB, 2025

  
Notary Public

Commonwealth of Pennsylvania - Notary Seal  
Laura V. Delaney, Notary Public  
Allegheny County  
My commission expires April 25, 2027  
Commission number 1233072  
Member, Pennsylvania Association of Notaries



IN THE PENNSYLVANIA OFFICE OF OPEN RECORDS

IN THE MATTER OF:

CHARLIE WOLFSON,

Complainant,

Docket No.: 2025-0246

vs.

ALLEGHENY COUNTY,

Respondent.

AFFIDAVIT OF SOLICITOR, JOHN P. GOODRICH, ESQ.

I hereby declare under the penalty of perjury, pursuant to 18 Pa. C. S. A. § 4904, that the following statements are true and correct based upon my personal knowledge, information, and belief:

1. My name is John P. Goodrich, Esq., Solicitor for the Sheriff of Allegheny County, Pennsylvania.
2. As part of my duties as the Solicitor for the Sheriff of Allegheny County, I am also designated as the Right to Know officer for the office.
3. As the Solicitor for the Office, I am aware of the many dangers and the potential harm that our sworn personnel are subject to in the due course of their duty.
4. The ACSO is aware that Allegheny County publishes salary and demographic information online at <https://data.wprdc.org/dataset/allegheny-county-employee-salaries>. Before this information is published, the ACSO requests that the County's Human Resources Department redacts names of all ACSO investigative sworn personnel as well as members of the Federal Task Force.
5. The redactions at issue are necessary because publicizing these names would result in a substantial risk to the personal security of these officers.
6. The requested redactions remain until members transfer out of the respective units.
7. If these redactions are not performed, I would expect multiple attempts and requests of certain individuals in the public in an effort to determine which officer's names are part of investigations and/or the Federal Task Force.

8. The officers' redactions are necessary to protect sworn personnel so they are not targeted by dangerous suspects. The disclosure of their identity would endanger them and their families as targets of the violent individuals they have or will seek to apprehend.

2/20/2025

Date

  
\_\_\_\_\_  
John P. Goodrich, Esq., Solicitor

# OOR Exhibit 8

February 21, 2025

**Via E-File Portal Only:**

Charlie Wolfson  
PublicSource  
1936 Fifth Avenue  
Pittsburgh, PA 15219  
charlie@publicsource.org

**Via E-File Portal Only:**

Jessica Garofolo  
Agency Open Records Officer  
Allegheny County  
436 Grant Street  
Room 202 Courthouse  
Pittsburgh, PA 15219  
OpenRecords@alleghenycounty.us

Maggie Shiels  
Allegheny County Law Department  
445 Ft Pitt Blvd, Ste 300  
Pittsburgh, PA 15219  
maggie.shiels@alleghenycounty.us

**RE: Request to Extend Final Determination Deadline - Wolfson and PublicSource v. Allegheny County OOR Dkt. AP 2025-0246**

Dear Mr. Wolfson:

I write to request additional time to render a Final Determination in the above appeal you filed with the Office of Open Records (“OOR”) under the Right-to-Know Law, 65 P.S. §§ 67.101, et seq. (“RTKL”).

Pursuant to the RTKL, the Requester is the party from whom permission is needed to extend the timeframe for the issuance of a Final Determination beyond the thirty-day statutory period. Based upon the County’s submission yesterday, we request an additional week for the OOR to reach a decision in this matter.

Would you agree to extend the due date such that a Final Determination will be issued on or before March 10, 2025?

Please let me know if you agree to this extension by the close of business today, February 21, 2025, so that the OOR can amend the docket accordingly.

Thank you for your attention to this matter.

Sincerely,

*/s/ Bandy Jarosz*

Bandy Jarosz

# OOR Exhibit 9

I hereby declare under the penalty of perjury, pursuant to 18 Pa.C.S. Â§ 4904, that the submissions provided are true and correct based upon my personal knowledge, information and belief.

Appeals Officer Jarosz,

I, requester Charlie Wolfson, consent to your request to extend the FD deadline to March 10, 2025.

# OOR Exhibit 10



**pennsylvania**  
OFFICE OF OPEN RECORDS

**IN THE MATTER OF**

**CHARLIE WOLFSON,  
Requester**

**v.**

**ALLEGHENY COUNTY,  
Respondent**

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**Docket No.: AP 2025-0246**

This correspondence confirms the above-referenced Requester’s agreement to a one-week extension of time to issue a Final Determination in this matter as indicated in the Requester’s correspondence, dated February 21, 2025. Accordingly, pursuant to 65 P.S. § 67.1101(b)(1), the Office of Open Records will now issue a Final Determination in the above-captioned matter on or before March 10, 2025.



**OOR Exhibit 11**



# **pennsylvania**

OFFICE OF OPEN RECORDS

## **FINAL DETERMINATION**

**IN THE MATTER OF**

**CHARLIE WOLFSON and  
PUBLICSOURCE,  
Requester**

**v.**

**ALLEGHENY COUNTY,  
Respondent**

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**Docket No: AP 2025-0246**

## **FACTUAL BACKGROUND**

On January 10, 2025, Charlie Wolfson and PublicSource (collectively the “Requester”) submitted a request (“Request”) to Allegheny County (“County”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking:

...[I]nformation for all individuals employed by [the County] during 2024, in the form of a digital file such as a .csv or Microsoft Excel file.

Specifically, I request the following for each employee: Name, department, job type, job title, date started, current position date started, date terminated (if applicable), gender, race/ethnicity, employment status, annual salary, regular pay, overtime pay, bonus pay, gross pay.

This [R]equest includes all law enforcement officers, with names redacted as needed for undercover officers.

\*This is a different data set than is posted on [the Western Pennsylvania Regional Data Center (“WPRDC”)], because the WPRDC dataset has additional redactions among law enforcement officers[.]\*

On January 24, 2025, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the County partially denied the Request. The County provided a publicly available website link in order for the Requester to obtain the records responsive to the Request, 65 P.S. § 67.704(b)(1).<sup>1</sup> The County asserted that the responsive records contained redacted material that is not subject to disclosure due to the personal security of its employees, 65 P.S. § 67.708(b)(1)(ii), the likelihood of jeopardizing or threatening public safety, 65 P.S. § 67.708(b)(2),<sup>2</sup> revealing the names of law enforcement officers performing undercover or covert law enforcement activities, 65 P.S. § 67.708(b)(6)(iii), and revealing the enrollment in a health care program, 65 P.S. § 67.708(b)(5).

On January 30, 2025, the Requester filed an appeal with the Office of Open Records (“OOR”), challenging the denial and stating grounds for disclosure.<sup>3</sup> 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 18, 2025, the Requester submitted a position statement, asserting that the County redacted names of far more law enforcement officers<sup>4</sup> than those currently involved in undercover activity.<sup>5</sup> Additionally, the Requester claims the County is acting in bad faith by failing to provide the names of the public employees.

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<sup>1</sup> The OOR last attempted access on February 26, 2025 and was able to locate records responsive to the Request at <https://data.wprdc.org/dataset/alleggheny-county-employee-salaries>.

<sup>2</sup> Because the County abandoned its public safety argument under Section 708(b)(2), the OOR will not further address the argument in this Final Determination.

<sup>3</sup> On February 21, 2025, the Requester granted the OOR a one-week extension to issue a Final Determination. *See* 65 P.S. § 67.1101(b)(1) (“Unless the requester agrees otherwise, the appeals officer shall make a final determination which shall be mailed to the requester and the agency within 30 days of receipt of the appeal filed under subsection (a).”).

<sup>4</sup> The Requester claims that redactions include more than three quarters of all employees in the County Sheriff’s Department and two thirds of all employee names in the County Police Department. *See* Requester position statement p. 1.

<sup>5</sup> The County notes that it redacted names of employees at the Kane Regional Centers based upon modified duty positions and based upon an individual being a victim of a violent crime. *See* Nagle Attestation ¶ 4. As the Requester only challenges the redaction of the names of law enforcement officers made by the County, the redactions of the

On February 20, 2025, the County submitted a position statement, reiterating its grounds for partially denying the Request. The County additionally claims that it is not required to provide any requester with a list of employees in which only the employees currently working undercover are redacted because the list could be requested a number of times, allowing a requester to determine the employees that move in and out of an undercover capacity. In support of its position, the County submitted three attestations made subject to the penalties of unsworn falsification to authorities, 18 Pa.C.S. § 4904, authored by: Nichole L. Nagle (“Nagle Attestation”), the Employee Relations Manager for the County Department of Human Resources; Christopher Kearns (“Kearns Attestation”), Superintendent of the County Police Department; and John P. Goodrich, Esq. (“Goodrich Attestation”), the Solicitor for the County Sheriff. Additionally, the County submitted an affidavit, duly sworn, authored by Rebecca D. Spangler, Esq. (“Spangler Attestation”), the First Assistant District Attorney and Agency Open Records Officer (“AORO”) for the County District Attorney’s Office.<sup>6</sup>

### LEGAL ANALYSIS

The County 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, the County 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

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names of the employees at the Kane Regional Center and the claimed exemptions related thereto will not be further addressed in this Final Determination. Of note, Kane Community Living Centers are nursing facilities. *See* <https://www.alleghenycounty.us/Services/Seniors/Kane-Community-Living-Centers> (last accessed by OOR on February 26, 2025).

<sup>6</sup> The County’s submissions were received after the record closed; however, to develop the record, the submissions were considered. *See* 65 P.S. § 67.1102(b)(3) (stating that “the appeals officer shall rule on procedural matters on the basis of justice, fairness, and the expeditious resolution of the dispute”).

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)).

**1. The County has demonstrated it appropriately redacted names of law enforcement officers performing undercover or covert activities**

Section 708(b)(6)(iii) of the RTKL exempts from disclosure “the name or other identifying information relating to an individual *performing* an undercover or covert law enforcement activity from a record.” 65 P.S. § 67.708(b)(6)(iii) (emphasis added). The County argues that it is not required to provide the Requester with a list that contains only redactions of law enforcement officers currently working undercover. To do so, the County reasons, would allow the list to be requested a number of times, allowing a requester to determine the employees that move in and out of an undercover capacity. The County argues this would be contrary to the RTKL’s explicit protection of the identities of undercover law enforcement officers. In support of the County’s position, the Nagle Attestation indicates, in relevant part, the following:

2. The County publishes salary and demographic information online at <https://data.wprdc.org/dataset/alleggheny-county-employee-salaries>. Data for individuals employed in the Executive Branch departments, Row Offices and the Office of County Council who worked for the County in 2024 is currently available.

3. Before the data is published, I review it to ensure the names of every individual whose job title indicates that they are, or could be assigned to perform an undercover or covert law enforcement activity[, ] are redacted because assignments are not static. Two examples are detectives who work for the Office of the District Attorney [(“DAO”)] and sergeants with the [County] Police Department [(“PD”)].

In further support of the County’s position, the Kearns Attestation notes as follows:

2. The [PD] is aware that [the County] publishes salary and demographic information online at <https://data.wprdc.org/dataset/alleggheny-county-employee-salaries>. Before this information is published, the [PD] requests that the County’s Human Resources Department redact[] the first and last name of all [PD] sergeants, lieutenants, and most of our police officers.

3. The redactions at issue are necessary because publicizing these names could result in a substantial risk to the personal security of these officers.

4. Our Department has three uniform divisions and three detective divisions. Every January[,] we transfer officers and detectives between and among the various uniform districts and detective divisions. Some members may be transferred quickly after short stays within a unit or district, others may stay for longer periods of time. In addition to regular annual transfers, members may be transferred throughout the year. Particularly these detective units, but our uniform districts also, are called upon in a variety of high risk, dangerous situations.

5. One of our detective units that members transfer into and out of is the narcotics/vice unit, which unit utilizes their members in an undercover capacity. Very often, the investigations persist for days, months and sometimes years. Any of the [PD] police officers, sergeants, and lieutenants whose names are redacted may be called upon to perform undercover law enforcement functions. If the [PD] provided lists of police officers with redactions only for those officers currently performing undercover law enforcement functions at the snapshot in time that the list is provided, this would compromise the safety and security of the officers. We would expect multiple requests throughout the years in an effort to determine which officers' names went in and out of redaction. It would be reasonable to conclude thereby that those officers perform undercover functions.

6. The redaction is done in an attempt to shield the identification and disclosure of our members, as well as the chain of command, which could endanger the personal safety of these officers and make them and their families targets of the violent individuals they have or will seek to apprehend.

Additionally, the Spangler Affidavit provides the following:

...The [DAO] has an Investigations Unit to which approximately 20 detectives are assigned.

These detectives work interchangeably on the District Attorney's Narcotics Enforcement Team, the Gun Violence Task Force, Nuisance Property and Bar Task Force, and complex fraud and theft investigation cases. Any and all of the detectives may be assigned to work undercover surveillance in any of these investigations along with other law enforcement agencies. For the safety of the individual officers and the integrity of investigations, the names and other identifying information of the [DAO] detectives must be redacted.

Lastly, the Goodrich Attestation provides the following support for the County's position:

3. As the Solicitor for the [Sheriff's] Office, I am aware of the many dangers and the potential harm that our sworn personnel are subject to in the due course of their duty.

4. The [Sheriff's Office] is aware that [the County] publishes salary and demographic information online at <https://data.wprdc.org/dataset/allegheeny-county-employee-salaries>. Before this information is published, the [Sheriff's Office] requests that the County's Human Resources Department redact[] names of all [Sheriff's Office] investigative sworn personnel[,] as well as members of the Federal Task Force.

5. The redactions at issue are necessary because publicizing these names would result in a substantial risk to the personal security of these officers.

6. The requested redactions remain until members transfer out of the respective units.

7. The officers' redactions are necessary to protect sworn personnel so they are not targeted by dangerous suspects. The disclosure of their identity would endanger them and their families as targets of the violent individuals they have or will seek to apprehend.

Under the RTKL, a sworn affidavit or attestation may serve as sufficient evidentiary support. *See Sherry v. Radnor Twp. Sch. Dist.*, 20 A.3d 515, 520-21 (Pa. Commw. Ct. 2011); *Moore v. Office of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010). In the absence of any evidence that the County has acted in bad faith, "the averments in [the attestations and affidavit] should be accepted as true." *McGowan v. Pa. Dep't of Env'tl. Prot.*, 103 A.3d 374, 382-83 (Pa. Commw. Ct. 2014) (citing *Office of the Governor v. Scolforo*, 65 A.3d 1095, 1103 (Pa. Commw. Ct. 2013)).

The Requester claims that the County may only redact the names of law enforcement officers that are actively "involved in undercover activity." The Requester relies upon *Wolfson v. Allegheny County*, OOR Dkt. AP 2024-0196, 2024 PA O.O.R.D. LEXIS 513, to support his position. In *Wolfson*, the OOR directed the County to conduct a supplemental review of the redaction of law enforcement officer names to ensure only names exempt pursuant to Section 708(b)(6)(iii) were made in the responsive records. *Id.* The OOR directed the County to perform said search based upon the County's failure to claim any RTKL exemptions permitting the

redaction or withholding of records. *Id.* Of note, the OOR in *Wolfson* did not specify whether that review was limited to past, present or future performance of undercover or covert law enforcement activity. *Id.*

Section 708(b)(6)(iii) of the RTKL indicates that the name of an individual “performing” an undercover or covert law enforcement activity may be redacted. Neither the RTKL nor the Statutory Construction Act of 1972, 1 Pa.C.S. §§ 1501 *et seq.*, defines the term “performing” and therefore, the word must “be construed according to the rules of grammar and to [its] common and approved usage....” 1 Pa.C.S. § 1903(a). “Performing” is defined as “of, relating to, or constituting an art” when used as an adjective; however, “perform” when used as a verb is defined as to “carry out, do.” Merriam-Webster, available at <https://www.merriam-webster.com/dictionary/performing>; Merriam-Webster, available at <https://www.merriam-webster.com/dictionary/perform> (last accessed on February 27, 2025). In order to use performing as a verb, a helping verb, i.e., the verb “is,” becomes necessary to determine the tense of “performing,” whether it is past, present or future. For example, “is performing,” “was performing,” or “will be performing”—present progressive, past progressive and future progressive tense.<sup>7</sup> Section 708(b)(6)(iii) is silent as to whether “performing” is present, past or future tense; thereby, based on the plain language of Section 708(b)(6)(iii) and the rules of statutory construction, the County may redact a law enforcement officer’s name who either is performing, was performing, or will be performing undercover or covert activities.<sup>8</sup> The plain language of a statute generally provides the best indication of legislative intent, and as a result, if the legislature

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<sup>7</sup> See <https://www.grammarbook.com/blog/verbs/helping-verbs/>; see also <https://www.grammarbook.com/blog/verbs/present-progressive-tense/>; <https://www.grammarbook.com/blog/verbs/past-progressive-tense/> (last accessed on February 27, 2025).

<sup>8</sup> Additionally, Section 1902 of the Statutory Construction Act of 1972 indicates “[w]ords used in the past or present tense shall include the future.” See 1 Pa.C.S. § 1902.



intended to only refer to law enforcement officers currently performing undercover or covert activities, this would have been specified in Section 708(b)(6)(iii) of the RTKL.

In further support of this interpretation, the OOR has previously found that the protection of law enforcement officers that perform undercover or covert activities was paramount. In *Barry v. Pa. Governor's Office of Admin.*, OOR Dkt. AP 2020-2363, 2020 PA O.O.R.D LEXIS 2363, the OOR found that a list of users that utilize a criminal justice database was not subject to disclosure under the RTKL because some of the users perform undercover or covert law enforcement activities, and the status of the individuals performing said activities could change at any time without notice to the database. *Id.* The OOR indicated that the disclosure of the list of users would include undercover law enforcement officers and, as a result, “would be reasonably likely to result in substantial and demonstrable risk of physical harm to or the personal security of an individual.” *Id.* The list of users was found to be exempt under Section 708(b)(1) of the RTKL because of the *potential* of the users performing undercover and covert law enforcement activities. *See* 65 P.S. § 67.708(b)(1).

Section 708(b)(1) of the RTKL exempts from public disclosure “[a] record the disclosure of which . . . would be reasonably likely to result in substantial and demonstrable risk of physical harm to or the personal security of an individual.” 65 P.S. § 67.708(b)(1)(ii). Actual evidence of physical harm is not required, as the agency’s burden is to “meet the preponderance of the evidence standard, the lowest evidentiary standard, [] tantamount to a more likely than not inquiry.” *Id.* (internal citation omitted). The personal security exception addresses risks of harm to, and the personal security of, “an individual,” rather than the general public. 65 P.S. § 67.708(b)(1)(ii). It may apply to a group of individuals “based upon evidence that establishes that the release of certain information poses a likelihood of a substantial and demonstrable risk to the personal security of

that group of individuals.” *Crocco v. Pa. Dep’t of Health*, 214 A.3d 316 (Pa. 2019) (quoting *State Emps. Ret. Sys. v. Fultz*, 107 A.3d 860, 868 (Pa. Commw. Ct. 2015)). The courts have recognized that the RTKL’s security-related exemptions are of particular concern in police and prison settings. *See Borough of Pottstown v. Suber-Aponte*, 202 A.3d 173, 183 (Pa. Commw. Ct. 2019).

In this instance, the County claims that multiple requests for the same information at different times would positively identify these undercover or covert law enforcement officers or allow the officers to be identified upon comparison of the lists, and as such the redactions are appropriate under the RTKL’s personal security exception. To establish that this exemption applies, an agency must show: (1) a “reasonable likelihood” of (2) “substantial and demonstrable risk” to a person’s security. *Del. County v. Schaefer*, 45 A.3d 1149 (Pa. Commw. Ct. 2012); *Bayne v. New Kensington City*, OOR Dkt. AP 2021-0106, 2021 PA O.O.R.D. LEXIS 176. “Reasonably likely” has been interpreted as “requiring more than speculation.” *Carey v. Pa. Dep’t of Corr.*, 61 A.3d 367, 374-75 (Pa. Commw. Ct. 2013); *see also California Borough v. Rothey*, 185 A.3d 456 (Pa. Commw. Ct. 2018) (holding that an agency must offer more than speculation or conjecture and must prove that the alleged risk is substantial, demonstrable and real or apparent to establish the security-related exceptions under the RTKL). The County argues that publicly disclosing these officer’s identities would create a substantial risk to their safety and the safety of their families, by virtue of being able to determine whether the officers may have been undercover or participating in covert operations and who could participate in undercover or covert operations based upon the officer’s transfer into different units.

In *Tribune-Democrat v. City of Johnstown*, the requester sought the current police force roster, including starting employment dates, and the City argued that both the roster and the starting dates were exempt under Section 708(b)(1)(ii) because three officers on the police force were

involved in a shooting death and that threats had been made against the police force. *See* OOR Dkt. AP 2012-1542, 2012 PA O.O.R.D. LEXIS 1280. Considering the evidence and Section 708(b)(6)(iii), the OOR found that the names of the entire police force were not exempt from disclosure, but that the officer starting dates were exempt because a third party would be able to compare the starting dates to the officer names to then identify the three officers involved in the shooting. *Id.* The OOR has also held that the identity of law enforcement involved in specified events may be withheld where the evidence demonstrates that those named officers could be subject to retaliation or harm as a result of their involvement in that event. *See Fennell v. Pa. Dep't. of Corr.*, OOR Dkt. AP 2015-1944, 2015 PA O.O.R.D. LEXIS 1687 (holding that the last names of correctional officers who transported a specific inmate after an assault were exempt under the personal security exemption where evidence was presented that those officers could be the subject of retaliation); *Bayne v. New Kensington City*, OOR Dkt. AP 2021-0106, 2021 PA O.O.R.D. LEXIS 176 (holding the names of officers involved in an officer-involved shooting are exempt under the personal security exemption where the agency submitted credible evidence that the public disclosure of officer identities would place such officers at greater risk of retaliation or harm); *Steinheiser v. SEPTA*, OOR Dkt. AP 2022-1908, 2022 PA O.O.R.D. LEXIS 2352 (holding that a video which would reveal the identities of SEPTA personnel and police officers involved in a specified incident may be redacted to shield those individuals' identities pursuant to the personal security exemption).

The OOR has additionally previously found that a police force need not submit prior examples of actual harm inflicted on an officer or his family after the public release of their names in relation to an officer-involved shooting to demonstrate a credible risk to an officer. *Johnstown, supra* (holding that Section 708(b)(1) exempted from public disclosure records that would identify

officers involved in a shooting death even though there was no actual evidence of physical harm to officers).

Furthermore, the Commonwealth Court upheld the OOR's determination that exempted from disclosure records which, if made public, would jeopardize the personal safety of many individuals, reasoning that the opinions regarding safety and security rendered by a law enforcement officer with over twenty years of experience are "not mere speculation or conjecture." *Adams v. Pa. State Police*, 51 A.3d 322, 325 (Pa. Commw. Ct. 2012). Recently, however, in *Posey v. Dep't of Corr.*, the Commonwealth Court held that the names of prison employees could not be withheld or restricted without the provision of some evidence showing a risk of harm. 2025 Pa. Commw. LEXIS 18.

In this matter, the County has provided evidence that undercover and covert activity assignments are not static, officers transfer in and out of units--including narcotics and vice units, officers work interchangeably with dangerous units such as narcotics and gun violence and that sworn investigative personnel and Federal Task Force Agents are targets of dangerous suspects. *See Nagle Attestation ¶ 3; see also Kearns Attestation ¶¶ 4-5; Spangler Affidavit; Goodrich Attestation ¶¶4-7.* Given the credible evidence submitted by the County and the plain language of Section 708(b)(6)(iii), the OOR finds that the County has met its burden of proof by a preponderance of the evidence that the disclosure of the identities of law enforcement officers who are performing, will be performing or were performing undercover or covert law enforcement activities would permit a third party to identify these officers, thereby jeopardizing the personal safety of these individuals. As a result, the names of these officers are exempt from disclosure and we conclude the names of the law enforcement officers were properly redacted under Sections 708(b)(6)(iii) and 708(b)(1).

## 2. The OOR declines to make a finding of bad faith

The Requester presents a claim concerning the County's failure to provide responsive records with fewer redactions. While the OOR may make findings of bad faith, only the courts have the authority to impose sanctions on agencies. *See generally* 65 P.S. § 67.1304(a). Under the RTKL, a finding of bad faith is appropriate where an agency refuses to comply with its statutory duties under the RTKL. *Uniontown Newspapers, Inc. v. Pa. Dep't of Corr.*, 243 A.3d 19, 28-29 (Pa. 2020); *California Univ. of Pa. v. Bradshaw*, 210 A.3d 1134 (Pa. Commw. Unpub. 2021), *appeal denied* 2019 PA LEXIS (Pa. 2019); *Office of the Dist. Atty. of Phila. v. Bagwell*, 155 A.3d 1119 (Pa. Commw. Ct. 2017).

In the instant matter, we respectfully decline to make a finding of bad faith. The County submitted a timely response to the Request, provided a detailed final response and fully participated on appeal, and a finding of bad faith is typically reserved only for an egregious or blatant violation of the RTKL.

## CONCLUSION

For the foregoing reasons, the appeal is **denied**, and the County 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 Allegheny County Court of Common Pleas. 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 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.<sup>9</sup> 65 P.S. § 67.1303. All documents or communications following the issuance of this Final Determination shall be sent to [oor-](#)

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<sup>9</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).

[postfd@pa.gov](mailto:postfd@pa.gov). This Final Determination shall be placed on the OOR website at:  
<http://openrecords.pa.gov>.

**FINAL DETERMINATION ISSUED AND MAILED: March 3, 2025**

*/s/ Bandy L. Jarosz*

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BANDY L. JAROSZ, ESQ.  
APPEALS OFFICER

Sent to: Charlie Wolfson (via portal only)  
Maggie Shiels, Esq. (via portal only)  
Jessica Garofolo (via portal only)



April 14, 2025

**Filed Electronically:**

Department of Court Records – Civil Division  
City-County Building  
414 Grant Street  
Pittsburgh, PA 15219

**RE: Submission of Record in:**  
***Charlie Wolfson and PublicSource v. Allegheny County,***  
**Allegheny County Court of Common Pleas- Civil No: SA-25-000170**

Dear Prothonotary:

We hereby submit the record in the above-referenced matter. Section 1303 of the Right-to-Know Law, 65 P.S. §§ 67.101, *et seq.*, (“RTKL”), defines the Record on Appeal as “the record before a court shall consist of the request, the agency’s response, the appeal filed under section 1101, the hearing transcript, if any, and the final written determination of the appeals officer.” Pursuant to *Department of Transportation v. Office of Open Records*, 7 A.3d 329 (Pa. Commw. Ct. 2010), this record includes all “evidence and documents admitted into evidence by the appeals officer pursuant to Section 1102(a)(2).” The record in this matter consists of the following:

**Office of Open Records Docket No. AP 2025-0246:**

1. The appeal filed by Charlie Wolfson and PublicSource (collectively the “Requester”) to the Office of Open Records (“OOR”), received January 30, 2025.
2. Official Notice of Appeal dated January 30, 2025, sent to both parties by the OOR, advising them of the docket number and identifying the appeals officer for the matter.
3. Allegheny County (“County”) entry of appearance dated February 3, 2025.
4. County correspondence dated February 6, 2025, seeking additional time to make a submission in the appeal.
5. OOR correspondence dated February 6, 2025, partially granting the requested extension and establishing updated submission deadlines.
6. Requester legal argument dated February 18, 2025.

7. County legal argument dated February 20, 2025.
8. OOR correspondence dated February 21, 2025, seeking additional time from the Requester to issue the Final Determination.
9. Requester correspondence dated February 21, 2025, granting the extension requested by the OOR.
10. OOR correspondence dated February 21, 2025, acknowledging the Requester's extension grant and confirming an updated Final Determination issuance date.
11. Final Determination issued by the OOR on March 3, 2025.

The OOR has discretion to hold a hearing on appeals filed but chose not to do so in this matter. Therefore, there is no transcript to transmit. Certification of the record in this case is attached to this letter. Please feel free to contact us for any reason in connection with this matter.

Sincerely,

A handwritten signature in black ink that reads "Kyle Applegate". The signature is written in a cursive, slightly slanted style.

Kyle Applegate  
Chief Counsel

Attachments

cc: Paula Knudsen Burke, Esq. (for Requester)  
Maggie Shiels, Esq. (County)