



FINAL DETERMINATION UPON RECONSIDERATION

IN THE MATTER OF	:
	:
ROBERT ABRAMS,	:
Requester	:
	:
v.	: Docket No: AP 2025-0523
	:
PENNSBURY SCHOOL	:
DISTRICT,	:
Respondent	:

FACTUAL BACKGROUND

On January 13, 2025, Robert Abrams (“Requester”) submitted a request (“Request”) to the Pennsbury School District (“District”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking:

All responsive documents and records for the 2 items listed below. Time period is January 9, 2025 4 P.M. EST through and inclusive to 7 P.M. EST. at the Fallsington Elementary School, 134 Yardley Avenue, Levittown, PA 19054[.]

1. Individually, each entry card swipe subject to the time and place identified above at each point of entry location for the building. Response must include for each card swipe, at each location, card identification or card number and identification of whom card was issued to by the Pennsbury School District.

2. Security video footage access of each entry point for the place and time period identified above.

E-mail response required. Please additionally copy Mr. Tim Daly at [email address] on the response.

Thank you.

On February 18, 2025, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the District partially denied the Request. The District provided a record of card swipes

for the relevant time period which showed the requested information, including each entry card swipe, the date and time of the swipe, the card identification or card number, and identification of to whom the card was issued. The responsive record was redacted of the specific location of each point of entry location for the building. Similarly, although the Requester requested three hours of surveillance video recordings for each surveillance location, the District provided a short video clip showing the individual of interest in the Request entering the building, but the District denied the entirety of the other responsive video recordings. The District indicated that records responsive to the Request are exempt from disclosure under the RTKL because the disclosure is likely to threaten the personal security of an individual, 65 P.S. § 67.708(b)(1)(ii), and the disclosure of those records would create a reasonable likelihood of endangering the safety or the physical security of a building, 65 P.S. § 67.708(b)(3).

On March 4, 2025, the Requester filed an appeal with the Office of Open Records (“OOR”), challenging the denial and stating grounds for disclosure. The Requester stated that the District has released video recordings to other individuals in the past, and he also stated that he believes the District’s response is “designed to conceal the events in question.”¹ The Requester disputes the District’s claim that the videos are exempt for safety and security purposes, and he states that the cameras’ locations are easily able to be seen by the public from the outside of the building.² The OOR invited both parties to supplement the record and directed the District to notify any third parties of their ability to participate in this appeal. 65 P.S. § 67.1101(c).

On March 14, 2025, the District submitted a position statement, reiterating its grounds for denial.³ The District denied the Requester’s assertions that the video clip the District provided to

¹ The Requester also stated his belief that the video clip he received was “‘doctored,’ edited or even potentially contrived and staged.”

² The Requester also asked that, if the OOR denies access to the responsive records, the videos be turned over to the Falls Township Police Department in order to be viewed by the Requester and others in the presence of the police.

³ The District provided relevant factual background, including that the elementary school building that is the subject of the Request houses hundreds of students, teachers and staff members on a daily basis and is also the administrative

the Requester has been altered in any way and provided multiple affidavits to support the District's position. Additionally, the District asserted that the Request asked for all security camera footage for every entry point to the building over a several hour span, which the District contends presents security and safety concerns. The District also contends that it was not required to release any video recordings but chose to release the footage of the individual about whom the Requester is concerned as a courtesy to him. The District further argues that it redacted the entry location information from the card swipe log and the remainder of the responsive video records pursuant to Sections 708(b)(1)(ii) and 708(b)(3) of the RTKL. Furthermore, the District alleges that providing video coverage of all access points creates a greater risk than one, 23-second video clip, because it shows blind spots, patterns by which individuals enter and exit the building, and a more comprehensive understanding of the security system, which would allow someone to determine weaknesses in the system. In support of its position, the District submitted affidavits authored by three District employees: Jennifer Neill ("Neill Affidavit"), Supervisor of Public Relations and Open Records Officer ("ORO"); John Rose ("Rose Affidavit"), Media and Electrical Technician; and George Steill ("Steill Affidavit"), Director of Facilities.

The submission period closed in this matter on March 14, 2025. On March 17, 2025, the Requester submitted a responsive position statement. The Requester argues that the District has not demonstrated that the records sought are reasonably likely to result in a substantial and demonstrable risk of harm, and, therefore, has not met the required burden to establish an exemption pursuant to Sections 708(b)(1)(ii) or 708(b)(3).⁴

building for the District. District and school board meetings are often held in this building.

⁴ The Requester asserts that the District must believe that he is "personally planning a violent attack" and attempts to show why that is unlikely, and he describes the situation which has led him to request the responsive records. Additionally, the Requester submitted a Non-Traffic Docket printout of a harassment conviction for the individual about whom the Requester is concerned. However, a requester's identity or motivation for making a request is not relevant to determining whether a record is accessible to the public under the RTKL. *Padgett v. Pa. State Police*, 73 A.3d 644, 647 (Pa. Commw. Ct. 2013). Under the RTKL, whether the document is accessible is based only on "whether a document is a public record, and if so, whether it falls within an exemption that allows that it not be

On March 18, 2025, the District requested an extension of the submission deadline in order to respond to the Requester's late submission. The OOR granted the extension on the same day.

On March 19, 2025, the Requester submitted a third position statement, primarily providing more background detail regarding the Request. The Requester also submitted a memorandum regarding a meeting agenda item regarding security and metal detector screening and a response from the District to another requester regarding viewing requested video.

On March 20, 2025, the District submitted a supplemental position statement, asserting that the District is not required to show that the individual requester poses a security risk and that the disclosure of records to one requester places the information in the public sphere. The District also submitted a fourth affidavit, authored by the District's Superintendent, Dr. Thomas Smith ("Smith Affidavit"), which provides more detail about the security risks posed by the disclosure of the requested records.

On March 20, 2025, the Requester submitted two additional statements. One statement argues that the District's prior disclosures show that there is no security risk. The Requester also asserts that the requested video records only point outward from the building and are only for after school hours, so infrastructure and the privacy concerns of staff and students should not be implicated.

On March 21, 2025, the Requester submitted an additional statement that was filed after the submission deadline, and is therefore, untimely and has not been considered by the OOR.

On April 8, 2025, the OOR issued a Final Determination granting the appeal, finding that the District did not prove that the information revealing the location of doors and card swipe

disclosed. The status of the individual requesting the record and the reason for the request, good or bad, are irrelevant as to whether a document must be made accessible under Section 301(b) [of the RTKL]." *Hunsicker v. Pa. State Police*, 93 A.3d 911, 913 (Pa. Commw. Ct. 2014); *see also* 65 P.S. § 67.102; 65 P.S. § 67.305; *Cafoncelli v. Pa. State Police*, 2017 Pa. Commw. Unpub. LEXIS 405 (Pa. Commw. Ct. 2017) (citing *Hunsicker*). Accordingly, the OOR's review is limited to the language of the Request as written.

information were properly redacted from the card swipe spreadsheet pursuant to the personal security exemption in Section 708(b)(1)(ii), or that the disclosure of surveillance footage would be reasonably likely to endanger the physical security of a building pursuant to Section 708(b)(3).

On April 23, 2025, the District filed a Petition for Reconsideration (“PFR”), arguing that the OOR did not consider Section 708(b)(3) when determining if the District properly redacted information from the records regarding the card swipe data.

On April 30, 2025, the OOR granted the PFR, and reopened the record for submissions. On May 10, 2025, the Requester submitted a statement noting that documents he had submitted to the OOR’s Chief Counsel pending the OOR’s decision on the District’s Petition for Reconsideration were not uploaded to the OOR portal, and he requested that they be uploaded. On May 12, 2025, the OOR informed the Requester that he may re-submit documents for the Appeals Officer’s consideration, but the OOR is unable to accept new evidence during reconsideration.⁵

Neither party submitted any documentation after May 10, 2025.

LEGAL ANALYSIS

The District 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 District is required to demonstrate, “by a preponderance of the evidence,” that records are exempt from public access. 65 P.S. § 67.708(a)(1). Preponderance of the evidence has been defined as “such proof as leads the fact-finder ... to find that the existence of a contested fact is more probable than its nonexistence.” *Pa. State Troopers Ass’n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep’t of Transp. v. Agric. Lands Condemnation Approval*

⁵ The OOR is not permitted to accept new evidence on reconsideration, *Pa. Dep’t of Educ. v. Bagwell*, 131 A.3d 638, 656 n. 12 (PA Commw. Ct. 2016).

Bd., 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)).

1. The District has not proven that the information revealing the location and card swipe information were properly redacted from the card swipe spreadsheet

The District redacted certain access point information from the responsive records, arguing that release would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or personal security of an individual. 65 P.S. § 67.708(b)(1)(ii). The District also argues that the redactions in the responsive records are exempt pursuant to Section 708(b)(3) of the RTKL because the disclosure of the redacted information will endanger the physical security or infrastructure of a building. 65 P.S. § 67.708(b)(3).

Section 708(b)(1)(ii) of the RTKL exempts from disclosure a record that “would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual.” 65 P.S. § 67.708(b)(1)(ii). 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). “Belief alone[,] without more, even if reasonable, does not meet this heightened standard.” *Lutz v. City of Phila.*, 6 A.3d 669, 676 (Pa. Commw. Ct. 2010) (holding that “[m]ore than mere conjecture is needed” to establish that this exemption applies).

To show a reasonable likelihood, “[a]n agency must offer more than speculation or conjecture to establish the security-related exceptions under the [RTKL].” *California Borough v. Rothey*, 185 A.3d 456, 468 (Pa. Commw. Ct. 2018). The Commonwealth Court has “defined substantial and demonstrable [risk] as actual or real and apparent.” *Borough of Pottstown v. Suber-Aponte*, 202 A.3d 173, 180 (Pa. Commw. Ct. 2019 (quoting *Carey*, 61 A.3d at 373); *Ciavaglia and the Bucks Cnty. Courier Times v. Newtown Borough*, OOR Dkt. AP 2019-0866, 2019 PA O.O.R.D. LEXIS 698.

Similarly, Section 708(b)(3) of the RTKL exempts “[a] record, the disclosure of which

creates a reasonable likelihood of endangering the safety or the physical security of a building, public utility, infrastructure, facility or information storage system.” 65 P.S. § 67.708(b)(3). In order for this exemption to apply, “the disclosure of” the records—rather than the records themselves—must create a reasonably likelihood of endangerment to the safety or physical security of certain structures or other entities, including infrastructure. 65 P.S. § 67.708(b)(3).

In support of the District’s argument, the Neill Affidavit indicates, in relevant part, the following:

5. The following background information is relevant to the Request:
 - a. Fallsington Elementary School is a District school and building which also houses the District’s central administrative offices. The administrative offices and elementary school are all housed in one building at 134 Yardley Avenue, Levittown, PA 19054, but in separate areas of the building (the “Building”).
 - b. Elementary school students, teachers and administrators use the Building every day. Central administrative office staff, including the Superintendent, and Assistant Superintendents, also use the Building every day.
 - c. The Building is also used for District Board of Director Action Meetings and Committee Meetings. The Action Meetings generally take place in the gymnasium.
 - d. There are many doors to access the Building from the outside. Those doors are expected to remain locked.
 - e. The Building’s external doors are monitored by security cameras.
 - f. During the school day, the elementary school’s main entrance utilizes enhanced security measures. I am not detailing them here in an abundance of caution.
 - g. During a Board Action Meeting, the public enters through the elementary school’s main entrance. The public is then immediately screened with metal detectors by District security personnel. The metal detector screenings started in November after the District learned of a security concern in which an individual is understood to have referenced the use of gun violence against District officials.
 - h. Many of the Building’s internal and external doors are controlled by a key card entry point system. Individuals cannot open those doors without

swiping a key card. Only District staff and/or Board members receive key cards for certain doors in the Building.

6. Mr. Steill produced a spreadsheet detailing key card swipes within the requested timeframe at the requested location.
7. The District produced the spreadsheet to the Requester after redacting the following:
 - a. Each District building is assigned a number for identification purposes. In the event of an emergency, law enforcement and District officials are to refer to the Building with the assigned number. The District redacted the building number from the spreadsheet.
 - b. Each individual door on the spreadsheet is identified by a name and code number. The name describes the location of the door generally. The code number for the door is a shorthand way of referring to the door. In the event of an emergency, law enforcement and District officials are to refer to the doors by their assigned code number. The District redacted the name and code number from the spreadsheet.
8. After the redactions the spreadsheet still shows: a) who accessed a door; b) the outcome of the key card swipe; c) the date of the swipe; and d) the time of the swipe.

Also in support of the District's argument, the Smith Affidavit indicates, in relevant part, the following:

3. I am aware that the District produced a spreadsheet of key card entry system information with redactions (the "spreadsheet"), and that the District withheld access to security camera footage for the entire Building, except for one specific clip.
4. The District utilizes a key card entry system. Certain external and internal doors in the Building cannot be opened unless a key card is "swiped" on a panel to unlock the door. Without having access to the entire Building, a member of the public would not know which doors are protected by key card entry systems.
5. The District does not advertise the location of key card protected doors to the public, and the public is not given access to the entire Building.
6. The District distributes key cards to authorized District staff and/or Board members.

[...]

10. The following is true regarding the District's key card swipe entry systems:

- a. If the spreadsheet were produced without redactions, it would reveal:
 - i. Which doors are protected by key cards.
 - ii. Which employees have access to key cards.
 - iii. Which employees access certain key card protected doors during certain time periods, establishing routines.
 - iv. The shorthand identifier for key card protected doors.
- b. If a key card were lost or stolen a person could use the information in the unredacted spreadsheet to gain access to the Building or internal areas of the Building.
- c. Even without a lost or stolen key card, the information in the unredacted spreadsheet could be used to identify weaknesses in security, including doors that are not key card protected, staff that could be targeted to obtain a key card, and the patterns of traffic through these doors over several hours to determine the best time and manner to access the Building or areas in the Building.
- d. The information in the unredacted spreadsheet could be used to target individual staff and/or Board members by identifying their location as part of a routine.
- e. If the unredacted spreadsheet were released, the personal safety and security of the elementary students who attend Fallsington Elementary School, their teachers, staff, volunteers, parents who visit campus, and central office administrators, would be jeopardized.
- f. If the unredacted spreadsheet were released, the safety and security of the District's confidential records would be jeopardized, including, without limitation: health information related to staff medical accommodations, student special education documents including disability and medical information, banking account information.
- g. If the unredacted spreadsheet were released, the safety and security of the District's equipment and infrastructure would be jeopardized, including mechanical systems and food supplies and water supply.

[...]

12. The District's key card entry system and security camera system are necessary to protect elementary school students, parents, staff, volunteers, and the public.

These measures are maintained for that purpose.

13. The District regularly receives and responds to reports of threats of violence, including, but not limited to: threats from members of the public, students, and anonymous threats online.
14. The withheld records [] cannot be released without compromising the safety of District elementary school students, parents, staff, and the public.

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 District has acted in bad faith, “the averments in [the attestations] 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)).

As a rule, work schedules for an employee are public; however, the OOR has previously found that disclosure of past scheduling records may enable threats to an employee where there is sufficient reason to believe that such threats exist, and the pattern of those scheduling records might reveal the employee’s future location. *See Oser v. Pocono Mountain Regional Police Dep’t*, OOR Dkt. AP 2017-1419, 2017 PA O.O.R.D. LEXIS 1409 (finding disclosure of certain information from daily activity sheets, i.e., location and identity of an officer assigned to an assignment, patrol patterns, and number of officers assigned to a location, would threaten public safety); *Varley v. Beaver County*, OOR Dkt. AP 2010-0582, 2010 PA O.O.R.D. LEXIS 505 (denying access to police schedules and duty rosters under Section 708(b)(2)); *Walker v. Macungie Police Dep’t*, OOR Dkt. AP 2009-0509, 2009 PA O.O.R.D. LEXIS 229 (finding that past work schedules of officers would indicate future police coverage and threaten public safety).

Here, however, the Request seeks card swipe information for a three-hour period on one specific day after school hours. *See Kauffman and the York Dispatch v. County of York*, OOR Dkt. AP 2013-1873, 2013 PA O.O.R.D. LEXIS 1113) (finding card swipe records over a one-year

period for County’s commissioners, row officers and judges was exempt because it would result in a likely and substantial risk of physical harm or personal security, in part, because it could disclose the routines of elected officials). Additionally, the District already provided the majority of the card swipe information including the owner of the swipe card and the time each swipe occurred, but the District did not prove that the additional redacted information would create anything other than a speculative risk of harm. *See Carey v. Pa. Dep’t. of Corr.*, 61 A.3d 367, 375 (to determine “a reasonable likelihood,” the OOR must “look to the likelihood that the disclosure would cause the alleged harm, requiring more than speculation”); *Lutz v. City of Phila.*, 6 A.3d 669, 676 (Pa. Commw. Ct. 2010) (holding that “[m]ore than conjecture is needed” to establish that this exemption applies). Finally, the District’s evidence demonstrates that there are various security measures in place – locked doors, security cameras, “enhanced security measures,” and having a separate entrance for the public with a metal detector – and the District’s evidence does not address how disclosure of the redacted information would mitigate or lessen those security measures.

The Requester argues that the security cameras are able to be seen by an observer from the outside of the building. Similarly, the entrances secured by the card swipe system are presumably also apparent to an observer who is watching staff enter the building. Additionally, the Requester argues that the redactions make it impossible for the Requester to discern whether the District has only provided card swipe information for one door (A3) or whether the record contains data for all card swipe locations, as requested. Although the Neill and Smith Affidavits are detailed, the District’s evidence does not serve to establish that the redacted information is reasonably likely to threaten personal or building security. As noted above, to establish security-related exemptions under the RTKL, an agency must prove that the risk is more than mere speculation; it must be substantial, demonstrable and real or apparent. *California Borough v. Rothery*, 185 A.3d 456, 468

(Pa. Commw. Ct. 2018); *see also Mission Pa. LLC v. McKelvey*, 212 A.3d 119 (Pa. Commw. Ct. 2019); Schaefer, 45 A.3d 1149.

There is no evidence before the OOR to suggest that the location of the card swipe entrances is hidden or secured from public view, and the District has not demonstrated that the redacted information will disclose information that cannot be ascertained by simple public observation. Although the District's position statement discusses incidents of threats and school violence and argues that disclosure of the redacted information could allow identification of the locations of the secured doors, it does not establish a link between the violent threats and the location of doors or explain how this information could threaten building security. This ambiguous claim of an unrelated, nonspecific threat falls short of establishing a "reasonable likelihood" of "substantial and demonstrable risk" to the personal security of an individual or a building that is sufficient to apply an exemption to the RTKL. Although the District contends that the redacted information may facilitate a hypothetical wrongdoer to enact physical harm in the future, the District has offered no concrete examples of such threats and has not demonstrated how the records at issue would provide information to facilitate such an attack beyond what the attacker could glean by casual observation.

The District has not provided sufficient evidence to establish that disclosure of a single three-hour snapshot of the location of the card swipe entrances creates a substantial and demonstrable risk of physical harm or demonstrated that disclosure of the responsive information "creates a reasonable likelihood of endangering the safety or physical security" of the building. Accordingly, based on the evidence submitted in this case, the OOR cannot conclude that the District has established that releasing the requested location information will result in a substantial, demonstrable and real or apparent risk of harm to an individual or to a building. As such, the OOR finds that the redacted information is not exempt from disclosure pursuant to Sections 708(b)(1) or (3).

2. The District has not proven that the disclosure of the surveillance footage would be reasonably likely to endanger the physical security of a building

The District also denied access to the surveillance footage pursuant to Section 708(b)(3) of the RTKL, which exempts “[a] record, the disclosure of which creates a reasonable likelihood of endangering the safety or the physical security of a building, public utility, infrastructure, facility or information storage system.” 65 P.S. § 67.708(b)(3). In order for this exemption to apply, “the disclosure of” the records—rather than the records themselves—must create a reasonable likelihood of endangerment to the safety or physical security of certain structures or other entities, including infrastructure. 65 P.S. § 67.708(b)(3).

In support of its argument, the District provided the sworn affidavits of Ms. Neill, who attests, in relevant part, as follows:

9. Mr. John Rose identified and downloaded the security camera footage that is responsive to the Request. When security camera footage is downloaded, it is downloaded in a “.dav” format.

[...]

12. The District received [] correspondence from the Requester, or on the Requester’s behalf. The correspondence suggested that the Requester wanted this footage to determine how one individual, [name omitted], entered a Board Committee Meeting.

13. I reviewed all of the security camera footage to identify the footage of [name omitted] entering the Building. After identifying the footage of [name omitted], I converted that footage to MP4 format as a courtesy to the Requester and at his request.

14. The District granted the Request in part and denied it in part. The District:

- a. produced the key card spreadsheet in redacted form, with the redactions explained above pursuant to Sections 708(b)(1)(ii) and 708(b)(3) of the RTKL;
- b. withheld the security camera footage for the entire Building pursuant to Sections 708(b)(1)(ii) and 708(b)(3) of the RTKL; and
- c. produced the security camera footage of [name omitted] entering the

Building in MP4 format as a courtesy to the Requester.

In addition, the District submitted the sworn affidavit of Dr. Smith, which states, in relevant part, as follows:

11. The following is true regarding the District's security camera footage:

- a. The District monitors the inside and outside of the Building with security cameras.
- b. The camera angles, locations, footage, and system information are kept confidential, except when footage is released as required by law.
- c. If all of the security camera footage for the entire Building were produced for the date and times in this [R]equest, the following would be public information:
 - i. The distance that the security cameras record, allowing individuals to engage in illegal or unauthorized activity outside of the camera range.
 - ii. Which doors and windows are monitored by security cameras.
 - iii. The camera angles for external doors and windows for the Building.
 - iv. What camera angles apply to the inside of the Building.
 - v. Blind spots that exist in the security camera coverage.
 - vi. The quality and capability of the security cameras, which would provide information about how to obscure appearance or avoid detection.
 - vii. Which doors are protected by key card entry systems.
 - viii. The lay-out of the inside of the Building.
 - ix. The location of fixtures, equipment, fire alarms, smoke detectors, fire extinguishers, lights and light switches, doors, windows, items that could be used as weapons, ductwork, mechanical systems, and water and food supplies, without limitation.
 - x. Where and when staff are positioned in the Building, including security

personnel and/or staff that could be followed to gain access to the Building or areas in the Building.

- d. If all of the security camera footage for the entire Building were produced for the date and times in this Request individuals could test security procedures, perform surveillance, plan attacks and how to circumvent security.
- e. If all of the security camera footage were released, the personal safety and security of the elementary students who attend Fallsington Elementary School, their teachers, staff, volunteers, parents who visit campus, and central office administrators, would be jeopardized.
- f. If all of the security camera footage were released, the safety and security of the District's confidential records would be jeopardized, including, without limitation: health information related to staff medical accommodations, student special education documents including disability and medical information, banking account information.
- g. If all of the security camera footage were released, the safety and security of the District's equipment and infrastructure would be jeopardized, including food supplies and water supply.

When the OOR analyzes whether video footage from an agency's surveillance cameras is available under the RTKL, the analysis is necessarily based on the unique circumstances of each case. Here, the Request seeks surveillance footage from all of the security cameras for the building over a three-hour period of time after regular school hours. The District argues that the footage, if disclosed, would enable an individual to ascertain camera angles and the location of blind spots within the District's surveillance camera system. Smith Affidavit, ¶¶ 11(b), (c)(v), (vii).

The District suggests that disclosure of the records could expose or create a vulnerability to the Fallsington Elementary School building, arguing specifically that the footage would allow third parties to locate blind spots in the camera coverage. However, as noted above, conclusory statements are not sufficient evidence to support an exemption. *See Scolforo*, 65 A.3d at 1103. Here, the District has failed to present any evidence showing that knowledge of the school's camera capabilities is reasonably likely to lead to a security threat. To the extent that videos show

non-public areas, the District has described their various measures to ensure that non-authorized individuals cannot access those areas. Because the District has not sufficiently explained how an individual could identify or take advantage of vulnerabilities within the security system after viewing the responsive records, the District has not demonstrated a reasonable likelihood of endangerment. Accordingly, the District has not met its burden of proving that disclosure of the responsive records would threaten infrastructure security, and the responsive videos must be disclosed.

CONCLUSION

For the foregoing reasons, the appeal is **granted**, and the District is required to produce the unredacted card swipe record and all of the responsive videos to the Requester within thirty days. This Final Determination Upon Reconsideration is binding on all parties. Within thirty days of the mailing date of this Final Determination Upon Reconsideration, any party may appeal to the Bucks County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond as per Section 1303 of the RTKL, 65 P.S. § 67.1303, but as the quasi-judicial tribunal that adjudicated this matter, the OOR is not a proper party to any appeal and should not be named as a party.⁶ All documents or communications following the issuance of this Final Determination Upon Reconsideration shall be sent to oor-postfd@pa.gov. This Final Determination Upon Reconsideration shall be placed on the website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: June 13, 2025

/s/ Daneen L. Miller-Smith

Daneen L. Miller-Smith, Esq.
Appeals Officer

⁶ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).

Sent via OOR e-file portal to:
Robert Abrams
Jennifer Neill, AORO
Erin Aronson, Esq.