



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF

**ADAM HOWLAND,
Requester**

v.

**NORTHAMPTON COUNTY,
Respondent**

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Docket No: AP 2026-0969

FACTUAL BACKGROUND

On February 27, 2026,¹ Adam Howland (“Requester”) submitted a request (“Request”) to Northampton County (“County”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking:

...[A]ccess to all records, notes, petitions, communications, and documentation regarding me that were authored, supervised, or received by Stacey E. Dougherty, Supervising County Caseworker, from September 2024 to present.

On March 2, 2026, the County denied the Request, arguing the Request is insufficiently specific, 65 P.S. § 67.703. Additionally, the County claimed it was unable to identify whether the County caseworker was within the Department of Correction, Mental Health Services, Area Agency on Aging or Children and Youth.

¹ While the Request is dated December 11, 2025, the Request was received by the County on February 27, 2026. *See* Blair Attestation ¶ 2.

On March 13, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”), challenging the denial and stating grounds for disclosure.² The Requester asserts that the Request is sufficiently specific, as the relevant County employee was named within the Request and the timeframe was identified.³ The OOR invited both parties to supplement the record and directed the County to notify the OOR if any third parties have a direct interest in this appeal. 65 P.S. § 67.1101(c).

On March 18, 2026, the Requester submitted a portion of a Section 7302 Petition⁴ with a warrant signed by the individual named in the Request and a Police Report noting “Crisis (Stacey Dougherty)” participation.

On March 23, 2026, the County submitted an attestation, reiterating its grounds for denial of the Request. The attestation was made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities, and authored by Tyree A. Blair, Sr., Esq. (“Blair Attestation”), the County’s Assistant Solicitor and Agency Open Records Officer (“AORO”). Additionally, following a review of the Requester’s appeal submissions, the County claims any responsive records that exist would be exempt criminal or noncriminal investigative records, 65 P.S. §§ 67.708(b)(16), (17), exempt medical records, 65 P.S. § 67.708(b)(5), and confidential pursuant to the Child Protective Service Law (“CPSL”), 23 Pa.C.S. § 6301 *et seq.*

On March 23, 2026, the Requester submitted a position statement, reiterating the arguments

² On March 16, 2026, the OOR issued a deficiency order directing the Requester to submit a copy of the Request and complete agency response by March 30, 2026. *See* 65 P.S. § 67.1303(b). On March 16, 2026, the Requester cured the deficiency by submitting a copy of the Request and the complete agency response.

³ The Requester additionally provides the named employee’s work address and the specific date relevant to the Section 7302 petition; however, the Request does not include this information. The OOR has repeatedly held that a requester may not modify, explain or expand a request on appeal. *See Pa. State Police v. Office of Open Records*, 995 A.2d 515, 516 (Pa. Commw. Ct. 2010); *Michak v. Dep’t of Pub. Welfare*, 56 A.3d 925 (Pa. Commw. Ct. 2012) (holding that “where a requestor requests a specific type of record ... the requestor may not, on appeal argue that an agency must instead disclose a different record in response to the request”).

⁴ *See* Mental Health Procedures Act, 50 P.S. § 7302.

made at the time of the appeal and further arguing that the title “County Casework Supervisor” is unique to the Department of Human Services Children and Youth Division. The Requester also claims the County only employs one “Stacey Dougherty.”

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 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)).

The County argues the Request is insufficiently specific due to an insufficient subject matter that fails to identify the department of the caseworker named in the Request. Section 703 of the RTKL states that “[a] written request should identify or describe the records sought with sufficient specificity to enable the agency to ascertain which records are being requested.” 65 P.S. § 67.703. When determining whether a particular request is sufficiently specific, the OOR uses the three-part balancing test employed by the Commonwealth Court in *Pa. Dep’t of Educ. v. Pittsburgh Post-Gazette*, 119 A.3d 1121 (Pa. Commw. Ct. 2015).

First, “[t]he subject matter of the request must identify the ‘transaction or activity’ of the agency for which the record is sought.” *Id.* at 1125 (quoting 65 P.S. § 67.102). Second, “[t]he scope of the request must identify ‘a discrete group of documents, either by type ... or by

recipient.” *Id.* (quoting *Carey v. Pa. Dep’t of Corr.*, 61 A.3d 367, 372 (Pa. Commw. Ct. 2013)). Finally, “[t]he timeframe of the request should identify a finite period of time for which records are sought.” *Id.* at 1126 (citing *Carey, supra*). “The timeframe prong is, however, the most fluid of the three prongs, and whether or not the request’s timeframe is narrow enough is generally dependent upon the specificity of the request’s subject matter and scope.” *Id.*

The above factors are intended “to facilitate an analysis in order to determine whether an agency can ascertain which records are being requested.... The subject matter, scope, and timeframe of a request are flexible, analytical elements, not evidentiary requirements.” *Pa. Dep’t of Health v. Shepherd*, No. 377 C.D. 2021, 2022 Pa. Commw. Unpub. LEXIS 207 *6-7 (Pa. Commw. Ct. 2022), *appeal denied*, No. 334 MAL 2022, 2022 Pa. LEXIS 1862 (Pa. 2022). Finally, we must analyze the entirety of a request, as it is possible that portions of a request are insufficiently specific, while other portions provide sufficient guidance. *See Pa. State Police v. Office of Open Records*, 995 A.2d 515, 517 (Pa. Commw. Ct. 2010) (noting “the valid part of the request was included in a laundry list of requested materials”).

In support of the County’s position, the Blair Attestation indicates, in relevant part, the following:

7. When dealing with the [R]equest at hand, the Requester did not specify [the] department [where] the case worker was employed. [The Requester] included it in his appeal, but not [in] his original [R]equest which [is] evident from his own submission of his original [R]equest.

8. There is an endless number of departments and agency that have case workers and the Requester had the ability to specify and did not.

Under the RTKL, a sworn affidavit or statement made under the penalty of perjury 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 or that responsive records exist, “the averments in the [attestation] 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 Request seeks records related only to the Requester that were authored, supervised or received by a single County employee. The employment relationship between the named individual and the County is not disputed; however, the County claims on appeal that there are an endless number of departments within the County that employ caseworkers, while only listing four County departments in its final response. In regard to the type of records sought, those records are broadly set forth—records, notes, petitions, communications, and documents—but as noted, the Request names a singular potential custodian of records concerning only the Requester. *See Montgomery Cnty. v. Iverson*, 50 A.3d 281, 284 (Pa. Commw. Ct. 2012) (*en banc*) (finding insufficient a request that “does not identify specific individuals, email addresses, or even departments, but requests any applicable emails sent from the [agency’s] domain to four other domains”); *Pittsburgh Post-Gazette*, 119 A.3d at 1125-26 (“A request for a broad category of documents, such as all records, may be sufficiently specific if confined to a particular recipient or recipients”); *In re Mazin*, No. 1126 C.D. 2022, 2025 Pa. Commw. Unpub. LEXIS 190, *7-8 (Pa. Commw. Ct., Apr. 21, 2025 (“[g]iven the flexibility of the test, a request for a broad category of documents may be sufficient if confined to a particular author or recipient”).

In light of the limited subject matter and the identification of the custodian of the responsive records, while the timeframe of approximately a year and a half is lengthy, the Request is sufficiently specific to enable the County to perform a search for responsive records. While the

Requester provides no proof that there is only one “Stacey Dougherty” employed by the County,⁵ the OOR finds it highly unlikely the County AORO is unable to search the County’s directory of employees and identify a Stacey Dougherty in its employ. Further, the OOR does not find the lack of a department within the Request indicative that the County is unable to perform a search for records responsive to the Request.⁶

CONCLUSION

For the foregoing reasons, the appeal is **granted**, and the County is required to provide the Requester with records responsive to the Request within thirty days. 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 Northampton County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond as per Section 1303 of the RTKL; however, as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party.⁷ 65 P.S. § 67.1303. All documents or communications following the issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the OOR website at: <http://openrecords.pa.gov>.

⁵ Further, the County at no time disputes that “Stacey Dougherty” is an employee of the County.

⁶ The County asserts a form of the so-called “*Glomar* response” by neither confirming nor denying investigations occurred or that responsive records actually exist that are exempt medical records or protected by the CPSL. In the vast majority of cases, the RTKL’s requirement that an agency demonstrate that a record is exempt from disclosure before withholding it means that the agency must provide (1) an acknowledgement that the records exist, (2) a description of the records, and (3) an analysis of why the records are exempt. Only in extremely rare circumstances can an agency meet its burden without providing all three of those elements to the OOR. *Yackamovich v. Pa. Dep’t of Corr.*, OOR Dkt. AP 2016-1959, 2016 PA O.O.R.D. LEXIS 1763. In this case, since the County has not performed a search for responsive records and the Request does not appear to facially relate to a criminal or noncriminal investigation, medical records or a report made under the CPSL, the OOR will not further address the exemptions raised or the CPSL in this Final Determination.

⁷ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).

FINAL DETERMINATION ISSUED AND MAILED: April 13, 2026

/s/ Bandy L. Jarosz

BANDY L. JAROSZ, ESQ.
APPEALS OFFICER

Sent via portal only to: Adam Howland; Tyree A. Blair, Esq.