



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF

:

**EWAYNA BROWN,
Requester**

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:

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v.

Docket No.: AP 2026-1168

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**EAST HEMPFIELD TOWNSHIP,
Respondent**

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FACTUAL BACKGROUND

On March 18, 2026, Ewayna Brown (“Requester”) emailed a request (“Request”) to East Hempfield Township (“Township”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, stating:

Open Records Officer
East Hempfield Township Police Department
1700 Nissley Road
Landisville, PA 17538
717-898-3100

Ewayna Brown
[street address omitted]
Memphis TN 38114
[email address omitted]
[phone number omitted]

On March 24, 2026, the Township denied the Request, stating that the RTKL request form does not identify any records. The Township also directed the Requester to properly complete and resubmit a RTKL request form if records are requested.

On March 24, 2026, the Requester appealed to the Office of Open Records (“OOR”), identifying the records at issue as “For the property located at: [street address omitted] East Hempfield Township, Pennsylvania For the time period: January 1, 2023 through December 31, 2023 Please provide: All 911 call records (including call logs, CAD reports, dispatch records, and incident summaries) All non-emergency call records and calls for service All incident reports, police reports, and related documentation Limited to incidents involving: Domestic disputes Domestic disturbances Domestic-related calls or investigations[.]” The OOR invited both parties to supplement the record and directed the Township to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On April 6, 2026, the Township submitted an unsworn position statement arguing that the appeal has no merit because the Request form did not identify or describe the records sought. 65 P.S. § 67.703. Additionally, the Township argues that on March 24, 2026, the same day the Township denied the Request, the Requester submitted a new request on the OOR’s Standard RTKL Request Form (“Standard Form”) seeking the same records at issue in this appeal.

LEGAL ANALYSIS

The Township 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 Township 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 Township argues that because no records are identified in the “RECORDS REQUESTED” portion of the Standard Form, the Township was unable to fulfill the Request. Section 703 of the RTKL requires a requester to “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. Additionally, an agency may promulgate regulations and policies to govern its administration of the RTKL. 65 P.S. § 67.504(a). An agency that has a posted policy requiring the use of a form may deny access to the requested records where the requester fails to use the required form. The Township’s publicly posted RTKL Policy requires requesters to use the Standard Form, and its RTKL Policy states, in relevant part:

Requests shall be made in writing to the [T]ownship’s Open Records Officer on the Pennsylvania Office of Open Records’ Standard Right-to-Know Request Form.

Township RTKL Policy.¹

A review of the record in this matter shows that the Request was initially emailed to Lancaster County, and a description of the records sought² was included in the body of the email. The Agency Open Records Officer (“AORO”) for Lancaster County responded to the email informing the Requester that the Request was misdirected, and the Requester forwarded the email with the attached Request to the Township.

The OOR notes that the Standard RTKL Request Form allows requesters to “[u]se additional pages if necessary” for a description of the records sought. Additionally, the OOR has

¹ See https://cms9files.revize.com/easthempfieldtownship25/document_center/Government/Open%20Records%20Policy/Right-to-Know-Policy%20update%202025.pdf?t=202510160918180&t=202510160918180 (last accessed, April 15, 2026).

² The records identified in the body of the email correspond to the records the Requester alleges are at issue on appeal.

previously found that because an agency may not limit “the number of records which may be requested,” 65 P.S. § 67.1308, an agency cannot limit a request to only the request form. *See, e.g., Fritz v. Allegheny Valley Regional Police Department*, OOR Dkt. AP 2026-0366, 2026 PA O.O.R.D. LEXIS 739.

Here, the Requester submitted the Request on a Standard Form in accordance with the Township’s RTKL Policy. The Requester completed all required fields on the Standard Form, including the “RECORDS REQUESTED” field. Nothing on the Standard Form directs attention to the email to find a description of records, nor is there any apparent suggestion that the Request was continued outside of the Standard Form. Accordingly, the Township had no indication that it should look elsewhere for the Requester’s description of records. *See Pa. Game Comm’n v. Fennell*, 149 A.3d 101 (Pa. Commw. Ct. 2016); *see also Office of the Governor v. Davis*, 122 A.3d 1185, 1194 (Pa. Commw. Ct. 2015) (*en banc*) (holding that an evidentiary affidavit may be unnecessary when an exemption is clear from the face of the record). Therefore, because no records are identified on the Standard Form and the Requester did not indicate that a description of records was attached, the Township’s denial was proper.

CONCLUSION

For the foregoing reasons, the appeal is **denied**, and the Township 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 Lancaster County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond according to court rules as per 65 P.S. § 67.1303, but as the quasi-judicial tribunal adjudicating this matter, the OOR is not a

proper party to any appeal and should not be named as a party.³ All documents or communications following the issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: April 17, 2026

/s/ Felecia Khorram

FELECIA KHORRAM
APPEALS OFFICER

Sent via portal to: Ewayna Brown
Susan Peipher, Esq.

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