



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
BRIAN DRAPP,	:	
Requester	:	
	:	Docket No.:2026-0965
v.	:	Consolidated appeal of OOR Dkt. Nos.
	:	AP 2026-0965 & 2026-0966
	:	
CUMBERLAND VALLEY SCHOOL	:	
DISTRICT,	:	
Respondent	:	

FACTUAL BACKGROUND

On January 26¹ and January 27, 2026, Brian Drapp (“Requester”) submitted two requests (collectively “Requests”) to the Cumberland Valley School District (“School District”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking:

[Request 1] electronic copies of ALL “To” and/or “From” emails for CVSD Athletic Director Mike Craig and CV H.S. Varsity Football Coach Josh Oswalt from November 1, 2025 through January 25, 2026.

[Request 2] all emails “To” and/or “From” CVSD High School Principal Adam Andrechik for the time period Nov 1, 2025 through January 27, 2026.

On March 2, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the School District partially granted the Requests and provided the Requester with

¹ Request 1 was submitted to the School District on January 25, 2026, a Sunday, and is considered received by the School District on January 26, 2026.

certain responsive records² and indicated that the remaining responsive records have been identified but require secure redaction and would be provided to the Requester in an expeditious manner. On March 11, 2026, the Requester inquired of the School District of the status of the production of the remaining responsive records and received no response.

On March 13, 2026, the Requester appealed to the Office of Open Records (“OOR”), challenging the denial of the remaining responsive records and stating grounds for disclosure. The OOR invited both parties to supplement the record and directed the School District to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

Between March 16 and March 20, 2026, the Requester submitted correspondence that the School District has failed to produce the remaining responsive records. On March 25, 2026, the School District submitted a position statement, arguing that the Requests are insufficiently specific and unduly burdensome to fulfill. 65 P.S. § 67.703. The School District further argues that it should be permitted to charge necessarily incurred fees for the secure redaction of the responsive emails if the OOR determines that the School District is required to provide the remaining records responsive to the Request. On April 7, 2026, the OOR informed the parties that the appeals docketed at AP 2026-0965 and 2026-0966 would be consolidated.³ On April 7, 2026, in response to the OOR’s inquiry, the Requester clarified that he does not challenge the basis for the redactions made by the School District to the responsive emails.⁴

² In response to Request 1, the School District provided the Requester with 4,551 emails, and the School District’s appeal submission indicates that 4,794 responsive emails remain. In response to Request 2, the School District provided the Requester with 2,199 emails, and the School District’s appeal submission indicates that 5,252 responsive emails remain. All of these emails provided to the Requester were redacted by the School District.

³ Because the two appeals involve the same agency, requester and issues, the appeals were consolidated into OOR Dkt. 2026-0965. *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”).

⁴ Therefore, this Final Determination will not address the redactions to the responsive emails performed by the School District, as the issue has been waived. *See Pa. Dep’t of Corr. v. Office of Open Records*, 18 A.3d 429 (Pa. Commw. Ct. 2011) (issues not raised on appeal are waived).

LEGAL ANALYSIS

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

1. The Requests are sufficiently specific

The School District argues that the Requests are insufficiently specific and pose an unreasonable burden upon the School District. 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 undertakes a nonexclusive, multi-factor test, considering “the extent to which the request specifies subject matter, the extent to which it defines the scope of the records it seeks, and the extent to which it limits the timeframe of the request.” *Pa. Off. of the Governor v. Brelje*, 312 A.3d 928, 937 (Pa. Commw. Ct. 2024) (citing *Pa. Dep’t of Educ. v. Pittsburgh Post-Gazette*, 119 A.3d 1121 (Pa. Commw. Ct. 2015)). The test is not “a conjunctive, bright-line rule requiring each ‘element’ of the test to be satisfied; rather, it [is] a flexible approach” consistent with relevant caselaw. *Id.*

First, “[t]he subject matter of the request must identify the ‘transaction or activity’ of the agency for which the record is sought.” *Pittsburgh Post-Gazette*, 119 A.3d 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). Further, the Commonwealth Court has warned that an evaluation of sufficient specificity turns on each case’s unique facts and that a lack of subject matter does not necessarily lead to a conclusion that a request is insufficiently specific. *See Brelje*, 312 A.3d at 933; *see also, Methacton Sch. Dist. v. Office of Open Records*, 271 A.3d 548 (Pa. Commw. Ct. 2021). An agency’s actual ability to search for, find, and produce responsive documents, although not controlling, does weigh in favor of a finding that a request is sufficiently specific. *See id.*; *see also Borough of Pottstown v. Suber-Aponte*, 202 A.3d 173, 179 (Pa. Commw. Ct. 2019); *Easton Area Sch. Dist. v. Baxter*, 35 A.3d 1259, 1265 (Pa. Commw. Ct. 2012).

Notably, in *Brelje v. Office of the Governor*, the Commonwealth Court considered how a set of similar factors should be weighed. *Brelje*, 312 A.3d at 928. There, the requests sought “all

incoming and outgoing emails” for two employees of the Governor’s press office, one for ten days and the other for twenty days. *Id.* at 930. The OOR held that the requests were sufficiently specific despite the lack of a subject matter because of the narrow scope and short timeframes, and on appeal the Court agreed, synthesizing its past reported and unreported cases to demonstrate how the test led to that outcome. *Id.* at 939. Additionally, the Court examined several unreported cases in which it had come to different conclusions and explained how the factors test had differed for each one. *Id.*, citing *Methacton*, 271 A.3d 548 (request for copies of all emails sent or received by four school district employees for one-month periods was specific); *Keystone Nursing and Rehab of Reading, LLC. v. Simmons-Ritchie*, 222 A.3d 1226 (Pa. Commw. Ct. 2020) (request for ‘all correspondence, sent and received’ for a 48-day period between four employees, including the Acting Secretary, was insufficiently specific).

The issue in this appeal is not that the School District was unable to conduct a search for and discover the emails responsive to the Requests; the School District has clearly done so. Thus, the Requests cannot be found to be insufficiently specific to apprise the agency of what is being sought. The School District argues that it is burdensome to the agency to review and perform the necessary redactions to the responsive emails. The fact that a request implicates voluminous records does not necessarily render it insufficiently specific. *See Pa. State Sys. of Higher Educ. v. Ass’n of State Colleges and Univ. Faculties*, 142 A.3d 1023, 1029-30 (Pa. Commw. Ct. 2016). A critical factor in this appeal is that the School District has already substantially undertaken the production of responsive emails; it does not follow that certain emails identified, redacted, and produced were not unduly burdensome to the School District, whereas the production of the remaining emails are. Thus, under the facts of this appeal and while the emails responsive to the Requests are voluminous, the School District has identified all of the responsive records and has

performed redactions and produced over one-third of the emails responsive to the Requests. As the School District indicated that it would be providing responsive records and has already undertaken the production of such responsive records, it may not now deny the Request as insufficiently specific or unduly burdensome. *See* 65 P.S. § 67.703. The OOR directs the School District provide the remaining responsive emails on a rolling production schedule and that the School District is to provide the records on a thirty-day basis continuing for a total period of ninety days. *See Rosenfeld v. Allegheny Cnty.*, OOR Dkt. AP 2024-0717, 2024 PA O.O.R.D. LEXIS 978 (a rolling production schedule of ninety days was found to be reasonable); *Ali v Pa. Dept. of Corrections*, OOR Dkt. AP 2025-2469, 2025 PA O.O.R.D. LEXIS 2344.

2. The Requester is not required to reimburse the School District for its time and expenses to perform redactions

The School District argues that it should be permitted to charge for the costs necessarily incurred to review and redact portions of the responsive emails that contain information made confidential under the Federal Educational Rights and Privacy Act, the Mental Health Procedures Act, the Individuals with Disabilities in Education Act and other state and federal laws that mandate privacy and confidentiality of personal or sensitive information. The School District draws a distinction that the fees incurred by the School District in reviewing the responsive emails is not for “determining whether the produced records were public records subject to disclosure under the RTKL,” but for reviewing records to ascertain whether they contain confidential information which would violate state or federal law if disclosed. The distinction that the School District attempts to make does not exist under the RTKL, as the determination of whether records of an agency are public records subject to disclosure under the RTKL includes a determination as to whether federal or state law prevents disclosure. *See* 65 P.S. § 67.102 (defining “public record” as a record of local agency that is “(1) is not exempt under section 708; (2) is not exempt from

being disclosed under any other Federal or State law or regulation or judicial order or decree; or (3) is not protected by a privilege.”)

The only permissible fees under the RTKL are for duplication, postage and certification, and fees for staff time reviewing or redacting records are not permissible. *See* 65 P.S. § 67.1307 (“no fee may be imposed for an agency’s review of a record to determine whether the record is a public record ... subject to access in accordance with [the RTKL]”); *Pa. Dep’t of Educ. v. Bagwell*, 131 A.3d 638, 651 (Pa. Commw. Ct. 2016); *State Emps. Ret. Sys. v. Office of Open Records*, 10 A.3d 358 (Pa. Commw. Ct. 2010). Thus, where redactions of records are necessary, the fee schedule does not permit an agency to impose any additional fees for time and labor spent by agency personnel in making redactions. This includes the agency’s review and redaction of responsive records on the grounds that they are exempt from public access due to other state or federal laws. Accordingly, the School District may not impose fees for its open records officer’s or solicitor’s review and redaction of the responsive emails.

CONCLUSION

For the foregoing reasons, the appeal is **granted**, and the School District is required to provide all remaining records responsive to the Requests subject to appropriate redaction and in accordance with the production schedule as set forth in this Final Determination. 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 Cumberland 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.⁵ 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 28, 2026

/s/ Catherine R. Hecker

CATHERINE R. HECKER
APPEALS OFFICER

Sent via portal to: Brian Drapp
 Rebecca Leathery
 Jason Statler, Esq.

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