



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF

**KELLY PRILLA,
Requester**

v.

**BOROUGH OF BALDWIN,
Respondent**

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Docket No: AP 2026-1613

FACTUAL BACKGROUND

On March 13, 2026, Kelly Prilla (“Requester”) submitted a request (“Request”) to the Borough of Baldwin (“Borough”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking:

...[R]ecords relating to insurance, risk management, or claims handling concerning Detective John B. Prilla, including any Borough incident[] reports, workplace death notifications, or risk management reports relating to the death of Borough employee Eric Foster.

1. Insurance and Claims Files

All records maintained by [the Borough] or any risk-management entity regarding:

[1] Detective Prilla’s death on January 6–7, 2026[;]

[2] [P]otential claims arising from his death[;]

[3] [W]orkers’ compensation issues[;]

[4] [S]urvivor benefits[; and]

[5] [D]uty-status classification.

2. Communications with Insurance Entities

All communications between [the Borough] and any:

- [1] [I]nsurance carriers [;]
- [2] [W]orkers' compensation insurers[;]
- [3] [R]isk-management pools[;]
- [4] [T]hird-party administrators[; and]
- [5] [C]laims adjusters regarding Detective Prilla's death or related benefits.

3. Claims Handling and Coverage Analysis

All documents reflecting:

- [1] [C]laims analysis[;]
- [2] [C]overage analysis[;]
- [3] [L]iability assessments[;]
- [4] [A]djuster reports[;]
- [5] [I]nvestigative reports[; and]
- [6] [I]nternal risk-management memoranda.

4. Insurance Policies

Copies of any insurance policies in effect at the time of Detective Prilla's death that provide coverage for:

- [1] [W]orkers' compensation[;]
- [2] [E]mployment claims[;]
- [3] [L]aw-enforcement liability[; and]
- [4] [M]unicipal liability.

On April 17, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the Borough partially denied the Request, arguing that Subsections 2-5 of Items 1 and 2 of the Request do not exist in in the Borough's possession, custody or control and that Item 3 of the Request is insufficiently specific, 65 P.S. § 67.703. Item 1 - Subsection 1, Item 2 - Subsection 1, and Item 4 were granted.

On April 21, 2026, the Requester appealed to the Office of Open Records ("OOR"), challenging the search performed by the Borough, as well as the Borough's interpretation of the Request. The OOR invited both parties to supplement the record and directed the Borough to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On May 1, 2026, the Borough submitted a position statement reiterating its grounds for partially denying the Request. The Borough claims that it reasonably interpreted the Request and that Item 3 of the Request is insufficiently specific. In support of its position, the Borough submitted the attestations made under penalty of perjury¹ authored by Robert T. Firek, P.E. (“Firek Attestation”), the Borough Manager and Agency Open Records Officer (“AORO”), and Kelly Parker (“Parker Attestation”), the Borough’s Human Resources Director.

LEGAL ANALYSIS

The Borough 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 Borough 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 Borough reasonably interpreted the Request

Requester asserts that the Borough improperly narrowed the scope of the Request, but does not indicate how the Request was improperly narrowed or detail the information that was excluded from the Borough’s interpretation. An agency may interpret the meaning of a request for records, but that interpretation must be reasonable. *See Spatz v. City of Reading*, OOR Dkt. AP 2013-0867, 2013 PA O.O.R.D. LEXIS 513; *Signature Info. Solutions, Inc. v. City of Warren*, OOR Dkt. AP

¹ 18 Pa. C.S. § 4904.

2012-0433, 2012 PA O.O.R.D. LEXIS 557. The RTKL is remedial legislation that must be interpreted to maximize access. *See Gingrich v. Pa. Game Comm'n*, No. 1254 C.D. 2011, 2012 Pa. Commw. Unpub. LEXIS 38 at *16 (Pa. Commw. Ct. 2012). The OOR determines the reasonableness of the agency's interpretation from the text and context of the request alone, as neither the OOR nor the Requester are permitted to alter the request on appeal. *See McKelvey v. Office of Attorney General*, 172 A.3d 122 (Pa. Commw. Ct. 2017) ("Once an RTKL request is submitted, a requester is not permitted to expand or modify the request on appeal.")

The Borough reasonably interpreted the Request as a whole, which sought all insurance-related documents associated with the death of Detective John B. Prilla. In support of the Borough's interpretation, AORO Firek asserts the following:

29. In [Item 1] of the Request, Requester sought records maintained by the Borough or "any risk-management entity."

30. While Requester sought records from "any risk management entity," it is unclear what individuals or entities Requester is referring to as "risk management entit(ies)".

31. Additionally, the Requester did not identify specific "risk management entit(ies)" she was seeking records from.

32. Furthermore, Requester sought all "all records ... [related to] Detective Prilla's death on January 6-7, 2026; potential claims arising from his death; workers['] compensation issues; survivor benefits; duty-status classification."

33. Here, by referring to "all records", Requester failed to identify a discrete group of documents.

34. Accordingly, the Borough reasonably interpreted [Item 1] of the Request as "seeking all insurance claim records related to (1) Detective Prilla's death on January 6-7, 2026; (2) potential claims arising from his death; (3) workers' compensation issues; (4) survivor benefits; and (5) duty-status classification that are in the Borough's possession, custody, or control."

35. This interpretation was reasonable because it identifies a discrete group of documents (i.e.,[.] insurance claim records) related to (1) Detective Prilla's death on January 6-7, 2026; (2) potential claims arising from his death; (3) workers'

compensation issues; (4) survivor benefits; and (5) duty-status classification for the Borough to search.

36. The Borough clearly conveyed that [Item 1] of the Request, as written, was insufficiently specific and that, instead of denying [Item 1] of the Request, [the Borough] reasonably interpreted [Item 1] to include a limited scope of documents so that it could provide Requester with responsive public records.

Furthermore, AORO Firek explains that since Requester sought “all communications” between the Borough and various carriers, insurers and administrators, but did not specify the “communications” or the scope of documents, the Borough interpreted Item 2 of the Request as follows:

43. The Borough, inclusive of the Police Department and Public Works Department, has almost fifty (50) employees.

44. The Borough also has a Council of seven elected officials and an elected tax collector.

45. Furthermore, the Borough has countless appointed officials from, for example, the Borough Zoning Hearing Board, Planning Commission, Civil Service Commission, UCC Board of Appeals, etc.

46. The Borough does not know what subclass of individuals, nor what specific individuals Requester refers to when seeking communications from “Baldwin Borough.”

...

48. Accordingly, the Borough reasonably interpreted [Item 2] of the Request as seeking “e-mail communications between Kelly Parker, the Borough’s Human Resources Director, and the Borough’s (1) insurance carriers; (2) workers’ compensation insurers; (3) risk management pools; (4) third-party administrators; and (5) claims adjusters regarding Detective Prilla’s death or related benefits.”

49. This interpretation was reasonable because Kelly Parker, in her capacity as the Borough’s Human Resources Director, is who would communicate on the Borough’s behalf with insurance companies, third-party administrators, and claims adjusters on regarding Detective Prilla’s death related benefits.

50. Ms. Parker also typically communicates with the aforementioned parties via telephone or email.

51. The Borough clearly conveyed that [Item 2] of the Request, as written, was insufficiently specific and that, instead of denying [Item 2] of the Request, it reasonably interpreted it to include a limited scope of documents from a specific list of recipients so that it could provide Requester with responsive records.

The Borough reasonably determined that, because the Requester sought communications with insurance carriers, risk-management pools, third-party administrators and claims adjusters, Ms. Parker would be the custodian of potentially responsive records. Further, since Ms. Parker handles all of the insurance claims via telephone or email, the Borough appropriately reasoned that Item 2 of the Request would entail email communications between the Human Resources Department of the Borough and the various entities listed in Item 2 of the Request.

Accordingly, based upon the evidence presented, the Borough reasonably interpreted the scope and subject matter of the Request. *See Pa. Dep't of Health v. Mahon*, 283 A.3d 929 (Pa. Commw. Ct. 2022); *see also Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

2. The Borough has proven that additional records responsive to the Request do not exist in its possession, custody or control

The Borough asserts that a good faith search was conducted by AORO Firek and Ms. Parker, and that no additional records responsive to the Request exist in its possession, custody, or control. In response to a request for records, “an agency shall make a good faith effort to determine if ... the agency has possession, custody or control of the identified record[.]” 65 P.S. § 67.901. While the RTKL does not define the term “good faith effort,” in *Uniontown Newspapers, Inc. v. Pa. Dep't of Corr.*, the Commonwealth Court stated:

As part of a good faith search, the open records officer has a duty to advise all custodians of potentially responsive records about the request, and to obtain all potentially responsive records from those in possession... When records are not in an agency's physical possession, an open records officer has a duty to contact agents within its control, including third-party contractors ... After obtaining all

potentially responsive records, an agency has the duty to review the records and assess their public nature under ... the RTKL.

185 A.3d 1161, 1171-72 (Pa. Commw. Ct. 2018) (citations omitted), *aff'd*, 243 A.3d 19 (Pa. 2020). An agency must show, through detailed evidence submitted in good faith from individuals with knowledge of the agency's records, that it has conducted a search reasonably calculated to uncover all relevant documents. *See Burr v. Pa. Dep't of Health*, OOR Dkt. AP 2021-0747, 2021 PA O.O.R.D. LEXIS 750; *see also Mollick v. Twp. of Worcester*, 32 A.3d 859, 875 (Pa. Commw. Ct. 2011).

AORO Firek states that he personally conducted a search for responsive records, which included a search within the Borough's electronic and physical files, as well as electronic databases. Further, AORO Firek inquired with relevant Borough officials, employees and professionals. Firek Attestation ¶ 15. AORO Firek determined that Kelly Parker, the Human Resources Director of the Borough, was the only other agency official who would possess records responsive to the Request. *Id.* ¶ 16. AORO Firek avers that upon a comprehensive and good faith search of the Borough's files and inquiries with relevant Borough personnel, no further responsive records are in the possession, custody or control of the Borough. *Id.* ¶ 25.

Furthermore, Ms. Parker avers that in her capacity as the Human Resources Director, she is the custodian of insurance related records for employee benefits. Parker Attestation ¶ 10. Ms. Parker is also responsible for communicating with insurance entities and processing insurance-related claims and paperwork for employee benefits. *Id.* ¶ 11. Upon a thorough examination of physical and electronic files in both her and the Human Resources Department's possession, no further responsive records are in the Borough's possession, custody or control for Subsections 2-5 of Item 1 of the Request. *Id.* ¶¶ 12-14.

In the absence of any evidence that the Borough has acted in bad faith or that the requested records exist, “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)). Therefore, based upon the evidence provided, the Borough has met its burden of proof that it does not possess any additional records responsive to the Request. AORO Firek and Ms. Parker consulted with all the relevant parties associated with the Request and searched their correspondence, files, emails and text messages for responsive records, which constitutes a good faith effort. *Hodges v. Pa. Dep’t of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).²

Requester avers additional records *should* exist, but does not present any evidence that additional records responsive to this specific request do, in fact, exist. The OOR makes no determinations as to whether additional records should exist, as our inquiry is limited to only whether records are “in existence and in possession of the ... agency at the time of the right-to-know request.” *Moore v. Off. of Open Records*, 992 A.3d 907, 909 (Pa. Commw. Ct. 2010); *see also* 65 P.S. § 67.705. Furthermore, under Section 705 of the RTKL, “an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record.” 65 § P.S. § 67.705.

² Despite the Borough’s assertion that Item 3 of the Request was insufficiently specific under Section 703 of the RTKL, the search performed by the Borough encompassed Item 3 of the Request. 65 P.S. § 67.703. The Borough’s ability to perform a search for records responsive to Item 3 is a strong indicator that this portion of the Request is sufficiently specific, and as such, the Borough’s argument as it pertains to Section 703 will not be further addressed herein.

CONCLUSION

For the foregoing reasons, the appeal is **denied**, and the Borough 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. § 67.1302(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: May 14, 2026

/s/ Julie Sodl

APPEALS OFFICER
JULIE SODL

Sent via E-File Portal to: Kelly Prilla
Ashley J. Puchalski, Esq.
Robert T. Firek, AORO

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