



On May 11, 2026, the OOR submitted a position statement, expanding upon its argument that the Requests are insufficiently specific and arguing in the alternative that, if the Appeals Officer determines that the Requests are sufficiently specific, the OOR would require additional time to review and produce records. *See Pa. Off. of the Governor v. Brelje*, 312 A.3d 928, 937 (Pa. Commw. Ct. 2024); *Pa. State Sys. of Higher Educ. v. Ass’n of State College & Univ. Faculties*, 142 A.3d 1023 (Pa. Commw. Ct. 2016) (“*APSCUF*”). In support, the OOR submitted a statement made under the penalties of unsworn falsification to authorities by its Open Records Officer (“AORO”), Janelle Sostar (“Sostar Attestation”). On the same day, the Requester submitted a position statement, arguing that the Requests are sufficiently specific.

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).

Here, the Sostar Attestation provides:

6. I reviewed the OOR’s files and consulted with admin staff, the OOR’s deputy chief counsel, and the Commonwealth IT department, and determined that to provide the records, the OOR would need to manually search the files of each appeal filed in those two calendar years and locate the letters which appear to be responsive to the Requests.

7. As part of this review, I determined that the likely responsive records contain personal contact information, including the personal email addresses of OOR appeals officers, personal contact information of each [r]equester, and home addresses of each [r]equester.

8. During those two calendar years, the OOR adjudicated approximately 7,117 appeals; 3,147 in 2023 and 3,970 in 2025.

9. The letters that are responsive to the Requests would need to be downloaded from the individual docket sheet of each appeal file. Additionally, admin staff would need to review responsive pages and perform redactions of [r]equesters’ personal contact information, including home addresses, and personal email addresses of OOR appeals officers.

10. The OOR anticipates that a maximum of two years may be necessary to review all adjudicated appeals for the two calendar years, and to review and perform redactions. Of the total number of appeals adjudicated for the two calendar years, each appeal does not contain the certain documents sought wherein appeals may be dismissed upon receipt of the appeal filing such as being filed prematurely, filed after the 15-day appeal timeframe, and OOR not having jurisdiction. This number

accounts for the fact that OOR staff would need to review upwards of nearly thirty thousand pages of documents, and that the OOR does not have any dedicated staff who can be assigned to this function, which means it would need to be performed in addition to one or more administrative staff's full-time job.

11. Following the completion of gathering all responsive records and performing redactions, potential difficulties exist due to size limitations of CDs and/or flash drives; a potential of multiple gigabytes and/or terabytes of responsive data.

While the Requests do identify a transaction or activity of the OOR, the subject matter is extremely broad, encompassing notice sent to the parties in nearly every appeal the OOR has processed over a timeframe of each of three years. Similarly, the Requests contain a broad scope; while they do seek a discrete type of document, the Requests seek substantially similar documents from the majority of appeals processed by the OOR each month over the span of two years.

The Requester argues that the burdensome nature of a request is not a factor in assessing its specificity. However, as the OOR acknowledged in *Filer v. OOR*, OOR Dkt. AP 2026-0734, 2026 PA O.O.R.D. LEXIS 1146 ("*Filer I*"), although the burdensomeness of a particular request does not in itself render it overbroad or insufficiently specific, the burden on an agency in responding to a request is a relevant factor to consider in a specificity analysis. *See Mollick v. Twp. of Worcester*, 32 A.3d 859, 872-73 (Pa. Commw. Ct. 2011) (concluding that a request for all emails to or from agency supervisors regarding any agency business over the past one to five years was insufficiently specific because it failed to specify an agency business or activity and responding would be unreasonably burdensome).

The Requester further argues that the timeframe of each of the Requests is only one month, notwithstanding the fact that the OOR treated each of the Requests as one. He takes issue with the reasoning in *Filer I*, where the Appeals Officer considered the aggregate burden imposed by three requests in determining that they were insufficiently specific. In *Filer I*, the OOR acknowledged

that three separate requests were at issue but that they did not exist in a vacuum; in fact, they were attached to the same email.

The fact that the instant Requests were sent via 24 emails on one of two days is of no moment. Likewise, it makes no difference to the outcome of the analysis that the Requests span a timeframe of only two years, as the Appeals Officer's observations in *Filer I* remain valid. In *Filer I*, the Appeals Officer also held that the matter was not controlled by *Pennsylvania Department of Environmental Protection v. Legere*, 50 A.3d 260, 265 (Pa. Commw. Ct. 2012), where the Court found that the request was sufficiently specific because the documents sought "either are or are not Section 208 determination letters." Unlike the Section 208 determination letters in *Legere*, the requested information in the instant matter is not sent pursuant to a statutory mandate.

Further, as noted in *Filer I*, nearly all of the public information contained in the requested records is already available on the OOR's website<sup>2</sup> or on the OOR's database of Agency Open Records Officers. Indeed, the only unique information contained in the requested records that is not available online is the requesters' contact information and the email addresses of each Appeals Officer, much of which would require redaction. See *Filer v. Pa. Off. of Open Records*, OOR Dkt. AP 2026-0027, 2026 PA O.O.R.D. LEXIS 306 (finding that appeals officers' email addresses are personal identification) ("*Filer IP*"); *Pa. State Educ. Ass'n v. Commonwealth*, 148 A.3d 142 at 156-57 (Pa. 2016) (recognizing that individuals possess a right to privacy in certain types of personal information, including home addresses).

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<sup>2</sup> Docket sheets and Final Determinations are available at: <https://www.openrecords.pa.gov/Appeals/DocketSearch.cfm>, and the OOR's AORO Database is <https://www.openrecords.pa.gov/RTKL/AOROSearch.cfm> (last accessed May 20, 2026).

Further, the OOR notes that, if the Requester had submitted a single request seeking the same information over a time span of two years, the Appeals Officer would find it to be insufficiently specific. It would be an absurd result to find that by submitting 24 separate Requests, the Requester was able to so easily transform an insufficiently specific request into 24 specific ones.<sup>3</sup>

In *Pennsylvania Office of Inspector General v. Brown*, 152 A.3d 369, 373-74 (Pa. Commw. Ct. 2016), the Commonwealth Court found that a request for “rules, regulations, policies or related authority that governs [the agency’s] duties and functions” was insufficiently specific because it did not identify a specific transaction or activity. *See also Mollick, supra; Pittsburgh Post-Gazette*, 119 A.3d at 1126 (concluding that a request for all emails of the Acting Secretary of Education “as they pertain to the performance of her duties” over nearly a year was insufficiently specific because it did not provide a context to the search; instead, the request amounted to a fishing expedition).

In *Filer*, the Appeals Officer found that, as in *Brown*, *Mollick* and *Pittsburgh Post-Gazette*, the Requests have an extremely broad subject matter, encompassing the lion’s share of the OOR’s work. The result in the instant matter is the same. Given the breadth of the subject matter, the length of time implicated, the burdensome nature of compliance and the fact that the publicly accessible information is already available, the Requests amount to an impermissibly broad fishing expedition. As such, they are insufficiently specific under the RTKL. *See* 65 P.S. § 67.703

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<sup>3</sup> While not before the Appeals Officer, a similar request with a shortened timeframe would not necessarily satisfy the specificity requirements of Section 703, as whether a request’s timeframe is narrow enough depends on the specificity of the request’s subject matter and scope. *See Pittsburgh Post-Gazette, supra; see also Shepherd*, 2022 Pa. Commw. Unpub. LEXIS 207 \*6-7 (“the subject matter, scope, and timeframe of a request are flexible, analytical elements, not evidentiary requirements.”).

For the foregoing reasons, the appeal is **denied**, and the OOR 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 Commonwealth Court. 65 P.S. § 67.1301(a). All parties must be served with notice of the appeal. The Appeals Officer shall also be served notice and have an opportunity to respond according to court rules as per Section 1303 of the RTKL. 65 P.S. § 67.1303(a). However, as the quasi-judicial tribunal adjudicating this matter, the Appeals Officer is not a proper party to any appeal and should not be named as a party.<sup>4</sup> All documents or communications following the issuance of this Final Determination shall be sent to [oor-postfd@pa.gov](mailto: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 22, 2026**

*/s/ Blake Eilers*

Blake Eilers, Esq.

Senior Appeals Officer

Sent via e-file portal to: Eric Filer, Esq.; Tope L. Quadri, Esq.; Jordan C. Davis, Esq.;  
Janelle Sostar, AORO

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<sup>4</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).