



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:
	:
STACEY ADAMS,	:
Requester	:
	:
v.	: Docket No: AP 2026-1349
	: Consolidated appeals of OOR Dkts. Nos.
RIVER VALLEY SCHOOL DISTRICT,	: AP 2026-1349 and AP 2026-1350
Respondent	:
	:

FACTUAL BACKGROUND

On February 22, 2026, and February 24, 2026, Stacey Adams (“Requester”) submitted two requests (collectively, the “Requests”) to River Valley School District (“District”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, stating, in pertinent part:

Request 1

I respectfully request copies of:

All itemized receipts, invoices, airline confirmations, hotel folios, conference registration confirmations, expense reimbursement forms, procurement card supporting documentation, settlement documentation, and any other expense-supporting documentation reflecting expenditures by [the District] in connection with attendance at the World of Work Conference (WOW Conference) in San Diego, California in or around March 22-26, 2023.

This [R]equest includes documentation for both:

1. Reimbursed expenses; and
2. Direct-pay or district credit/procurement card expenses.

Request 2

I respectfully request copies of emails and attachments from August 1, 2022[,] through June 30, 2023[,] that concern curriculum planning, academic calendar development, scheduling, or related meeting coordination involving Sarah Teacher. Specifically, I request:

All emails and all corresponding email attachments sent to, sent from, copied to, or otherwise associated with the email account teacher.s@rvsdpa.org and any one or more of the following individuals in any combination:

- Regina Geesey
- Tracy Richards

Where those communications relate to District business, including but not limited to:

- curriculum planning or curriculum development;
- Middle School or Elementary School calendar creation or revision;
- draft schedules for the 2023-2024 school year;
- in-service planning;
- meeting scheduling, coordination, agendas, notes, or follow-up related to curriculum or calendar planning.

This [R]equest includes instances where the above individuals appear in the “to,” “from,” “cc,” or “bcc” fields.

After extending its time to respond by thirty days, the District did not issue timely responses, and the Requests were thus deemed denied on March 26, 2026, and March 28, 2026. 65 P.S. § 67.902(b)(2). On April 6, 2026, the Requester filed two appeals with the Office of Open Records (“OOR”), stating grounds for disclosure.¹ The OOR invited both parties to supplement

¹ The Requester granted the OOR a 30-day extension to issue a final determination. *See* 65 P.S. § 67.1101(b)(1) (“Unless the requester agrees otherwise, the appeals officer shall make a final determination which shall be mailed to the requester and the agency within 30 days of receipt of the appeal filed under subsection (a).”).

the record and directed the District to notify the OOR if any third parties have a direct interest in the appeal.² 65 P.S. § 67.1101(c).

On April 10, 2026, the District submitted a position statement in the matter of AP 2026-1350 concerning Request 2. The District asserts that after conducting a good faith search of the specified email account in the relevant time period with keywords, the District located 162 records. However, the District argues that after review, 68 email records contained personally identifiable student information that are not responsive to Request 2, are protected under the Family Educational Rights and Privacy Act (“FERPA”), and release of this information would threaten the personal security of an individual.³ 20 U.S.C. § 1232g, *et seq.*; 65 P.S. § 67.708(b)(1). Aside from these records, the District advised that it had now produced all other emails and attachments responsive to Request 2 to the Requester. In support of its position, the District submitted the affidavit of Alice Santoro (“Santoro Affidavit-Request 2”), Open Records Officer (“AORO”) for the District.

On April 12, 2026, the Requester submitted a supplemental position statement and attachments, asserting that she is in possession of a record that is clearly responsive and within the scope of Request 2, yet the District failed to produce it. In doing so, the Requester argues that the District has not demonstrated that it has conducted a good faith search for responsive records. The Requester also argues that the District produced records with Google links; however, the Requester is unable to access them, and therefore she has been denied access to records that were in the scope of her Request.

² On May 7, 2026, the OOR consolidated the appeals into OOR Docket Number AP 2026-1349.

³ The Requester does not challenge these records withheld from access. Accordingly, the OOR need not address these issues on appeal. *See Dep’t of Corr. v. Office of Open Records*, 18 A.3d 429 (Pa. Commw. Ct. 2011) (issues not raised on appeal are waived).

On April 17, 2026, the Requester submitted an additional supplemental position statement, asking the OOR to consider a recent final determination involving the same parties where the OOR found that the District failed to conduct a good faith search.⁴

On April 16, 2026, the District submitted a position statement in the matter of AP 2026-1349 concerning Request 1. The District asserts all responsive records such as reimbursement forms, receipts, reservation confirmations, flight times, and conference registrations in its possession have now been provided to the Requester. However, the District advised that it has also provided a credit card statement for March of 2023 with one transaction redacted, which is the subject of an active noncriminal investigation. 65 P.S. § 67.708(b)(17). In support of its position, the District submitted the affidavits of Alice Santoro (“Santoro Affidavit-Request 1”), and Ryan Cribbs, Esq. (“Cribbs Affidavit”), Solicitor for the District.

That same day, the Requester submitted a supplemental position statement and attachments, arguing that the District has failed to meet its burden of proof to demonstrate that Section 708(b)(17) applies. The Requester also argues that the District has failed to produce all records responsive to the Request, asserting that she is in possession of records such as credit card transactions and travel receipts that are clearly responsive to the Request as they pertain to the WOW Conference, but were not produced here, and argues that based on records that were produced, it is likely that additional responsive records should exist and have not been provided.

On April 17, 2026, the Requester submitted an additional supplemental position statement, asking the OOR to consider a recent final determination involving the same parties where the OOR found that the District failed to conduct a good faith search, as previously referenced above.

⁴ *Adams v. River Valley Sch. Dist.*, OOR Dkt. AP 2026-0609, 2026 PA O.O.R.D. LEXIS 1305.

LEGAL ANALYSIS

The 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 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)). Likewise, “[t]he burden of proving a record does not exist...is placed on the agency responding to the right-to-know request.” *Hodges v. Pa. Dep’t of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

1. The appeal is dismissed as moot in part

On April 10, 2026, and April 16, 2026, as previously stated above, the District asserted that it provided the Requester with records responsive to the Requests during the pendency of the appeal. Accordingly, insofar as the records are responsive to the Requests and have been provided during the appeal, the appeal is dismissed as moot as to these records. *See Chester Water Auth. v. Pa. Dep’t of Cmty. & Econ. Dev.*, 249 A.3d 1106, 1114 (Pa. 2021) (finding that a matter was settled by provision of records and, thus, “the controversy has been mooted”).

2. The District has demonstrated that it properly redacted a record pursuant to Section 708(b)(17) of the RTKL

The District asserts that it properly redacted a transaction from a credit card statement record from March 2023 responsive to Request 1 because it relates to a noncriminal investigation. Section 708(b)(17) of the RTKL exempts from disclosure records of an agency “relating to a

noncriminal investigation,” including, “complaints submitted to an agency,” “[i]nvestigative materials, notes, correspondence and reports” and “[a] record that, if disclosed, would...[r]eveal the institution, progress or result of an agency investigation.” 65 P.S. § 67.708(b)(17)(i)(ii); 65 P.S. § 67.708(b)(17)(vi)(A). In order for this exemption to apply, an agency must demonstrate that “a systematic or searching inquiry, a detailed examination, or an official probe” was conducted regarding a noncriminal matter. *See Pa. Dep’t of Health v. Office of Open Records*, 4 A.3d 803, 810-11 (Pa. Commw. Ct. 2010). Further, the inquiry, examination, or probe must be “conducted as part of an agency’s official duties.” *Id.* at 814; *see also Johnson v. Pa. Convention Ctr. Auth.*, 49 A.3d 920 (Pa. Commw. Ct. 2012). An official probe only applies to noncriminal investigations conducted by agencies acting within their legislatively granted fact-finding and investigative powers. *Pa. Dep’t of Pub. Welfare v. Chawaga*, 91 A.3d 257 (Pa. Commw. Ct. 2014). To hold otherwise would “craft a gaping exemption under which any governmental information-gathering could be shielded from disclosure.” *Id.* at 259.

In support of the District’s position, the Cribbs Affidavit states, in part:

1. My name is Ryan P. Cribbs, Esquire, and I am the Solicitor for the [District].
2. I am familiar with the [R]equest for documents [the Requester] submitted to [the District] under Pennsylvania’s [RTKL] on February 22, 2026 seeking records relative to the 2023 World of Work conference [].
3. In, or around[,] November of 2025, [the District’s] Board of School Directors (the “Board”) directed me to investigate discrepancies identified in [District] credit card statements (the “Investigation”).
4. The Investigation remains pending as of the date of this [Affidavit].
5. An entry contained in the credit card records sought by [the Requester’s] Request has become implicated by the Investigation.
6. At this stage, I cannot rule out the possibility of issuing a Statement of Charges seeking the dismissal or discipline of [District] employees involved with the subject of the Investigation.

7. If the dismissal of any [District] employee is eventually recommended and pursued, the charges and evidence against the implicated employee(s) could be presented to the Board for adjudication as the triers of fact under the Local Agency Law, 2 Pa. C.S. § 551, *et seq.*

...

12. In consideration of the foregoing attestations, I have a legitimate and good faith concern that providing [the Requester] with records sought by [Request 1] could compromise the integrity of the Investigation and impartiality of any eventual hearings in which the at issue records have been implicated.

First, the District has submitted evidence to support that as part of its statutory grant of authority under the Pennsylvania Public School Code, the District is authorized and empowered, through its board of school directors, to remove school officers and other employees. 24 P.S. § 5-514. Additionally, the District is also has factfinding and investigative powers conferred by the Local Agency Law. 2 Pa. C.S. § 551, *et seq.*; Cribbs Affidavit ¶ 7.

In the instant matter, the District has provided sufficient evidence to demonstrate that it redacted a specific entry from a responsive credit card statement record, as the entry has been implicated in the District's active noncriminal investigation concerning any potential discrepancies within the District's credit card statements. While the Requester is correct that the redacted record is a financial record, it should be noted that Section 708(c) of the RTKL states that "[t]he exemptions set forth in subsection (b) shall not apply to financial records, *except* that an agency may redact that portion of a financial record protected under subsection....(b)(17)." 65 P.S. § 67.708(c). (Emphasis added). Further, on its face, the redacted transaction entry does not reveal "...the imposition of a fine or civil penalty, the suspension, modification or revocation of a license, permit, registration, certification or similar authorization issued by an agency..." that would require disclosure. 65 P.S. § 67.708(b)(17)(vi)(A). Accordingly, the District has demonstrated that the it properly redacted a responsive record pursuant to Section 708(b)(17) of the RTKL.

3. The District has not demonstrated that additional responsive records do not exist in its possession, custody or control

The District asserts that in response to the Requests, it has provided all responsive, public records in its possession, custody or control. In response, the Requester argues that the District's production of records for each Request is incomplete and demonstrates that not all responsive records have been provided. In support of the District's position, the Santoro Affidavit-Request 1 states, in part:

3. I am familiar with [District's] records and record keeping practices. Pursuant to [Request 1][,] I searched [District's] files and records for the documents requested. [The Requester] has been provided with all records relative to the WOW Conference charges identified through my search efforts.
4. [The District] does not have, nor did it have at any point during the timeframe of this request, a "procurement card."
5. I did not locate any "settlement documentation" responsive to [Request 1] through my search efforts.
6. Based on the foregoing search efforts, I can attest that [the District] has no other records responsive to [the Requester's] [R]equest of February 22, 2026.

Additionally, the Santoro Affidavit-Request 2 states, in part:

3. In response to [Request 2], I directed [the District's] information technology department to perform a search of teacher.s@rvadpa.org utilizing the search terms "curriculum planning"; "curriculum development"; "academic calendar development"; "scheduling"; "meeting schedule"; "in-service planning"; "calendar creation or revision"; "agendas"; and "notes" for the period spanning August 1, 2022 through June 30, 2023.
4. The aforementioned search yielded 162 results. Through an audit of these results performed by [the District's] solicitor, 68 records were identified as containing personally identifying student including information pertaining to students' Individualized Educational Programs (IEPs), attendance and disciplinary matters, enrollment and scheduling data, and student specific questions and responses between parents and [District] administrators. These 68 records have not been provided to Requester.
5. All other records yielded by the above defined search, inclusive of attachments, have been provided to Requester.

6. Based on the foregoing good faith search efforts, I can represent to the best of my information, knowledge, and belief that [the District] has provided all records in its possession responsive to [the Requester's] [RTKL] [R]equest of February 24, 2026.

Under the RTKL, an affidavit or statement made under 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. Off. of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010). In the absence of any evidence that the District has acted in bad faith, or that additional responsive records, do in fact, exist, “the averments in the [affidavits] 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 *Off. of the Governor v. Scolforo*, 65 A.3d 1095, 1103 (Pa. Commw. Ct. 2013)).

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 record[.]” 65 P.S. § 67.901. The RTKL does not define the term “good faith effort.” However, the Commonwealth Court has concluded that:

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

Uniontown Newspapers, Inc. v. Pa. Dep’t of Corr., 185 A.3d 1161, 1171-72 (Pa. Commw. Ct. 2018) (citations omitted), *aff’d*, 243 A.3d 19 (Pa. 2020).

In *Pa. Dep’t of Health v. Mahon*, the Commonwealth Court discussed the evidence required to establish the absence of records, quoting its previous decision in *Hodges v. Pa. Dep’t of Health*, which held that an agency “may satisfy its burden of proof...with either an unsworn attestation by the person who searched for the record or a sworn affidavit of nonexistence of the

record.” *Mahon*, 283 A.3d 929, 936 (Pa. Commw. Ct. 2022) (quoting *Hodges*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011)); *see also Campbell v. Pa. Interscholastic Athletic Ass’n*, 268 A.3d 502 (Pa. Commw. Ct. 2021) (noting that an agency need only prove the nonexistence of records by a preponderance of the evidence, the lowest evidentiary standard, and is tantamount to a “more likely than not” inquiry). Notably, the holding of the Commonwealth Court in *Mahon* states that when there is evidence that a record does not exist, “[i]t is questionable to what degree additional detail and explanation are necessary to establish the nonexistence of a record...” 283 A.3d at 936.

In the instant matter, while the District attests that all records responsive to the Requests had been searched for and provided, the Requester has submitted several attachments of responsive records that should have been produced in the scope of the Requests, but were not. For example, Exhibit D of the Requester’s April 16, 2026 submission concerning Request 1 provides records of credit card transactions, which included Hilton San Diego charges and travel-related entries that were directly tied to the WOW Conference trip, but were not provided in response to Request 1. Another example is presented in Exhibit A of the Requester’s April 12, 2026 submission concerning Request 2, which included evidence of a responsive email within the requested timeframe and scope of Request 2, but was not provided in response to Request 2. The District did not provide any follow-up explanation or evidence in response to the Requester’s productions, which suggests that additional responsive records may exist and were not provided by the District. Further, nothing in the RTKL prevents requesters from seeking records which they already possess. *See, e.g., Murphy v. Upper Macungie Twp. Police Dep’t.*, OOR Dkt. AP 2022-1070, 2022 PA O.O.R.D. LEXIS 1679; *McHugh v. Lower Merion Township*, OOR Dkt. AP 2020-0532, 2020 PA O.O.R.D. LEXIS 2009. As a result, the District is required to produce any responsive emails and attachments, regardless of whether the Requester may already possess such records.

Moreover, the OOR questions the District's search methodology as it pertains to Request 2. The evidence provided by the District supports that it decided to conduct a search solely by converting the actual records sought, such as calendars, agendas, and notes, into keywords of their own, rather than performing a true search for those types of records. Santoro Affidavit-Request 2 ¶ 3. Such a search may be considered too limiting as to truly locate all responsive records. A keyword search may constitute a good faith search for electronic records when the keywords are reasonably calculated to uncover all relevant documents but is insufficient where the keywords do not address part of the Request. *See, e.g., Cook v. Fox Chapel Area School District*, OOR Dkt. AP 2020-0510, 2020 PA O.O.R.D. LEXIS 1567, *Yoder v. Lancaster County Solid Waste Management Authority*, OOR Dkt. AP 2016-0826, 2016 PA O.O.R.D. LEXIS 1102. In *Yoder*, the OOR found that an agency cannot necessarily rely on a keyword search alone where other reasonable steps could be taken to ensure that the production of records is complete. *Id.* Additionally, the District made no mention of contacting any other custodians of records, even those who were specifically mentioned in Request 2, like Ms. Geesey and Ms. Richards. As a result, the OOR is not persuaded that the District conducted a sufficient electronic search for responsive records.

Finally, the Requester argues that records provided by the District in response to Request 2 reference documents and contain Google Document Links in its emails which the Requester cannot access, as it says, "access denied," and therefore, the Requester also cannot access the referenced documents. *See* Exhibits "B" and "C" of Requester's April 12, 2026 Submission. Insofar as these electronic records provides links to Google documents that the District does not otherwise assert are exempt from access, because they cannot be accessed in the format that it was provided in, the referenced records must be disclosed. *See, e.g., Campbell v. Pennsbury Sch. Dist.*, OOR Dkt. AP 2021-1474, 2021 PA O.O.R.D. LEXIS 1725 (finding that where a link to an external

site located in a responsive email was not accessible in the format provided, the district was required to disclose the link). Accordingly, based on the totality of the evidence, the OOR must conclude that the District has not demonstrated that it has provided all records responsive to the Requests in its possession, custody or control. *See Mahon*, 283 A.3d at 936; *Hodges*, 29 A.3d at 1192.

The OOR is mindful that an agency cannot produce records that do not exist within its possession, custody or control and, accordingly, is not ordering the creation of any new records. *See* 65 P.S. § 67.705. In the event that additional responsive records do not exist, the District is required to provide the Requester with a detailed affidavit or attestation made under the penalty of perjury describing the search for these responsive records and affirming their non-existence.

CONCLUSION

For the foregoing reasons, the appeal is **granted in part, denied in part, and dismissed as moot in part**, and the District is required conduct a good faith search to provide any additional records and records referenced in Google Links responsive to the Requests as explained above within thirty days. If additional responsive records do not exist, the District is required to provide the Requester with a detailed affidavit or attestation made under the penalty of perjury describing the search for responsive records and affirming their non-existence. 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 Indiana 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. 65 P.S. § 67.1303. 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.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: May 29, 2026

/s/ Tope L. Quadri

TOPE L. QUADRI
APPEALS OFFICER

Sent via portal to: Stacey Adams
 Alice K. Santoro, AORO
 Ryan P. Cribbs, Esq.

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