



FINAL DETERMINATION

DATE ISSUED AND MAILED: June 8, 2026

IN RE: *Erin Clark Diehl v. Lansdale Borough Police Department*; OOR Dkt. AP 2026-2200

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, it is determined that the appeal is **DISMISSED** because:

The appeal is untimely. The Request was submitted to the Lansdale Borough Police Department (“Department”) on March 24, 2026. The Department had five (5) business days to respond to the Request. As indicated by the appeal file, because the Department did not respond by March 31, 2026, the Request was deemed denied.¹ Appeals of deemed denied Right-to-Know requests must be filed within 15 business days of the date of the denial, or by April 21, 2026 in this instance.² 65 P.S. § 67.1101(a)(1). The appeal was received by the OOR on June 4, 2026. The Requester is not prohibited from refileing the Request and, if necessary, filing a new appeal pursuant to the requirements of 65 P.S. § 67.1101(a)(1).³

For this reason, the Department is not required to take any further action. Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review with the Montgomery 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. 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.⁴ 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 website at: <http://openrecords.pa.gov>.

Issued by:

/s/ Joshua T. Young

Senior Deputy Chief Counsel

Joshua T. Young, Esq.

Sent via E-File Portal to: Requester; Agency Open Records Officer, Lansdale Borough Police Department

¹ The Requester did not include a copy of an extension notice or otherwise indicate that the Department invoked an extension of time to respond to the Request pursuant to 65 P.S. § 67.902(b).

² The appeal file includes a document referred to as the final response issued by the Department on May 21, 2026; however, the Request had already been deemed denied as a matter of law. *See* 65 P.S. § 67.902(b).

³ Insofar as the appeal seeks body camera and other similar footage of Department police officers, the RTKL does not apply to audio and video recordings made by a law enforcement agency; rather, there is a separate procedure governing access to these records. *See* 42 Pa.C.S. §§ 67A03-67A05.

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