



# pennsylvania

OFFICE OF OPEN RECORDS

## FINAL DETERMINATION

<b>IN THE MATTER OF</b>	:	
	:	
<b>CASEY MONAGHAN,</b>	:	
<b>Requester</b>	:	
	:	
<b>v.</b>	:	<b>Docket No: AP 2026-1532</b>
	:	
<b>SOUTH WILLIAMSPORT AREA</b>	:	
<b>SCHOOL DISTRICT,</b>	:	
<b>Respondent</b>	:	

### FACTUAL BACKGROUND

On March 16, 2026, Casey Monaghan (“Requester”) submitted a request (“Request”) to the South Williamsport Area School District (“District”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking electronic copies of the following:

- [1.] Standardized letter sent to parents (without regard to any one parent/student) that explains [the District] Junior/Senior High School is in the bottom 15% of test scores for PSSA and/or Keystone testing[.]
- [2.] All emails sent from or received by all school board members within the past 30 days[.]
- [3.] All emails sent from or received by Briggs about [the District] Junior/Senior High School being in the bottom 15% of schools statewide and how to remediate that sent between January 1, 2026 to the present date[.]
- [4.] All text messages sent from or received by Briggs about [the District] Junior/Senior High School being in the bottom 15% of schools statewide and how to remediate that sent between January 1, 2026 to the present date[.]

[5.] Brigg[s'] ChatGPT message log for the past 30 days[.]

On April 13, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the District granted the Request; however, the District noted the electronic file was too large, and as such, the responsive records would be available for pick up by the Requester upon provision of Pennsylvania issued identification and payment of a fee in the amount of \$67.50 for photocopying.

On April 16, 2026, the Requester appealed to the Office of Open Records (“OOR”),<sup>1</sup> challenging the imposition of fees by the District.<sup>2</sup> The OOR invited both parties to supplement the record and directed the District to notify the OOR if any third parties have a direct interest in this appeal. 65 P.S. § 67.1101(c).

On May 11, 2026, the District submitted a position statement, reiterating that records would be made available to the Requester upon payment of the copying fee, which is in accordance with the Official RTKL Fee Schedule.<sup>3</sup> In support of its position, the District submitted an attestation made subject to the penalties under 18 Pa.C.S. § 4904, relating to unsworn falsifications to authorities, authored by Dr. Eric Briggs (“Briggs Attestation”), the District’s Superintendent and Agency Open Records Officer (“AORO”).<sup>4</sup>

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<sup>1</sup> On April 17, 2026, the OOR issued a deficiency order directing the Requester to submit a copy of the Request by May 1, 2026. *See* 65 P.S. § 67.1303(b). On April 17, 2026, the Requester cured the deficiency by submitting a copy of the Request.

<sup>2</sup> The Requester granted the OOR a thirty-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).”).

<sup>3</sup> *See* <https://www.openrecords.pa.gov/RTKL/FeeStructure.cfm> (last accessed by the OOR on June 3, 2026).

<sup>4</sup> The evidentiary submission record originally closed in this matter on April 30, 2026; however, the OOR provided an evidentiary submission extension to both parties through May 11, 2026. *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”).

## 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)).

The District asserts that fees were properly imposed concerning the responsive records since the file was too large to email to the Requester, while the Requester argues that he seeks electronic records and the records should be provided in electronic format since those records do in fact exist in electronic format.

The RTKL provides that the OOR shall establish fees to be charged by Commonwealth and local agencies. 65 P.S. § 67.1307(b)(1)(i). The OOR has established a fee schedule which permits agencies to charge up to \$0.25/copy plus the actual costs of postage. Where redactions to records are necessary, the fee schedule does not permit an agency to impose any additional fees for the time and labor spent by agency personnel in making redactions. However, it does permit an agency to charge copying fees for any printing necessary to securely redact records.<sup>5</sup> *See, e.g., DeBartola v. Cambria County District Attorney’s Office*, OOR Dkt. AP 2017-0050, 2017 PA O.O.R.D. LEXIS 1019.

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<sup>5</sup> Neither party asserts that the responsive records contain redactions.

Additionally, the RTKL favors a contemporaneous exchange of fees for records. However, under no circumstances is an agency required to provide the records to a requester without receiving the applicable fees. *See Bowen v. Pa. Dep't of Corr.*, OOR Dkt. AP 2021-0709, 2021 PA O.O.R.D. LEXIS 732; *Clinkscale v. City of Phila. Tax Review Bd.*, OOR Dkt. AP 2014-1337, 2014 PA O.O.R.D. LEXIS 1466.

Under the OOR's fee schedule, fees may not be imposed for the transmission of records via email, and fees may not exceed actual cost for records provided via a CD/DVD, flash drive, or other electronic medium. However, if records only exist in hard copy, an agency is not required to convert those records into electronic copies. *See* 65 P.S. § 67.705. Instead, Section 701 of the RTKL provides that “[a] record being provided to a requester shall be provided in the medium requested if it exists in that medium; otherwise, it shall be provided in the medium in which it exists.” 65 P.S. § 67.701. The RTKL does not define “medium;” however, the OOR has defined it “as the substance through which something is transmitted or carried, a ‘means,’ such as on paper or on the hard-drive or on a database or over the internet.” *Acton v. Fort Cherry Sch. Dist.*, OOR Dkt. AP 2009-0926, 2009 PA O.O.R.D. LEXIS 786, *aff'd*, No. 2010-719 (Wash. Com. Pl. July 26, 2011), *aff'd*, 38 A.3d 1092 (Pa. Commw. Ct. 2012), *petition for allowance of appeal denied*, 57 A.3d 72 (Pa. 2012). “Under the RTKL, ‘medium’ is a broad term, and ‘electronic medium’ encompasses all electronic formats.” *See Hahn v. Lawrence Cnty.*, OOR Dkt. AP 2020-0181, 2020 PA O.O.R.D. LEXIS 1893; *Cap v. Lehigh and Northampton Transp. Auth.*, OOR Dkt. AP 2013 0168, 2013 PA O.O.R.D. LEXIS 112.

In support of the District's position, the Briggs Attestation provides, in relevant part, the following:

4. After collecting all responsive records, I determined that the materials were so large that they could not be transmitted via email as requested by [the Requester].

5. I emailed [the Requester] on April 13, 2026, stating that the cost for printing the documents was \$67.50; in calculating this figure, I adhered strictly to the fee limitation provisions of 65 P.S. § 67.1307 and the cost for black and white copies of documents on the “Official RTKL Fee Schedule” listed on OOR’s website.

6. No other fees were imposed for this request other than the printing/copying fees referenced above.

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, “the averments in the [attestation] 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)).

The evidence provided by the District explains that while electronic copies exist, the file was too large to be emailed to the Requester. Therefore, the responsive records exist in an electronic medium, which the Requester seeks. As previously stated above, the District did not assert on appeal, or provide any evidence, that redactions to the responsive records were required. Because the District acknowledges these records exist in an electronic medium, the District must provide these records in the electronic medium as requested and cannot charge fees for hard copies. *See Stoffer v. Forward Twp.*, OOR Dkt. AP 2022-1292, 2022 PA O.O.R.D. LEXIS 1574; 65 P.S. § 67.701 (“[a] record being provided to a requester shall be provided in the medium requested if it exists in that medium; otherwise, it shall be provided in the medium in which it exists”).

Although the District is concerned that the responsive records are too voluminous to send over email, per the OOR fee schedule, the District is permitted to charge for the cost of a flash drive or CD to produce the responsive records, and any cost of postage, if applicable. *See the OOR*

fee schedule; *see also Halle v. Butler County*, OOR Dkt. AP 2020-1067, 2020 PA O.O.R.D. LEXIS 2887 (“the county may withhold providing responsive records until such time as the Requester pays the cost of the thumb drive and mailing fees (if applicable) for the records responsive to the...[r]equest”). While the records may be too voluminous to send via email, the District has discretion as to the electronic format it ultimately chooses to utilize to provide the records to the Requester. *See Breen v. Pa. State Police*, OOR Dkt. AP 2020-2192, 2020 PA O.O.R.D. LEXIS \_\_\_\_.

### CONCLUSION

For the foregoing reasons, the appeal is **granted**, and the District is required to provide the responsive records to the Requester in an electronic medium via flash drive within thirty days in accordance with 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 Lycoming 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; 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.<sup>6</sup> 65 P.S. § 67.1303. 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: June 12, 2026**

*/s/ Bandy L. Jarosz*

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BANDY L. JAROSZ, ESQ.  
APPEALS OFFICER

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<sup>6</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).

Sent to: Casey Monaghan (via portal only)  
David T. Sterngold, Esq. (via portal only)  
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