pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

DATE ISSUED AND MAILED: June 29, 2026

IN RE: *Anna ("Resident of Yeadon") v. Yeadon Borough*;
OOR Dkts. AP 2026-2173, AP 2026-2188 & AP 2026-2189

On May 26, 2026, Anna "Resident of Yeadon" ("Requester")[1] submitted three requests ("Requests")[2] to Yeadon Borough ("Borough") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*. The Borough did not respond within five business days of receiving the Requests, and the Requests were, therefore, deemed denied on or about June 2, 2026. 65 P.S. § 67.901. On June 3, 2026, the Requester filed three separate appeals with the Office of Open Records ("OOR").

Local agencies have the burden of proving that records are exempt from access. 65 P.S. § 67.708(a)(1). Here, the Borough did not comply with the RTKL by timely responding to the Requests, nor did the Borough participate on appeal by submitting legal argument or evidence in support of withholding records. Accordingly, the Borough did not meet its burden of proof under the RTKL. 65 P.S. § 67.305.

For this reason, the appeal is **granted**, and the Borough is required to provide the requested records to the Requester within thirty days, or, in the alternative, a sworn affidavit or a statement made under the penalty of perjury demonstrating that the records do not exist. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Delaware 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 website at: http://openrecords.pa.gov.

Issued by:

/s/ *Joshua T. Young*

JOSHUA T. YOUNG
SENIOR DEPUTY CHIEF COUNSEL

Sent via OOR e-file portal to: Anna (Resident of Yeadon); Nafis Nichols, AORO

[1] The Requests each had the Requester's last name redacted prior to their submission to the OOR with the appeal documents. While it is unclear if the Requests were submitted to the Borough in unredacted form, because the Borough has not participated in this appeal or otherwise argued that the Requester is "anonymous," despite logging into the OOR's e-file portal and viewing the appeal documents, the OOR will not address the argument any further.
[2] Two of the Requests are dated May 25, 2026; however, because this was the Memorial Day holiday, the OOR considers these Requests to have been received by the Borough no earlier than May 26, 2026, the next business day.
[3] *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).