

FINAL DETERMINATION

DATE ISSUED AND MAILED: August 25, 2026

IN RE: *Noah Bryfogle v. Franklin Township*, OOR Dkt. AP 2026-3197

On July 4, 2026, Noah Bryfogle (“Requester”) submitted a request (“Request”) to Franklin Township (“Township”) pursuant to the Right-to-Know-Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking ten (10) enumerated items with respect to the Township’s purchase and installment of a Flock camera. Following a thirty-day extension, 65 P.S. § 67.902(b), the Township provided a response which included an Order Form, Resolution R-16-2025, a License Agreement, and a Property License Agreement. Redactions were made as to the location of the Flock camera. The Township also stated that it did not maintain records for several items of the Request and those records would need to be sought directly from Flock. On August 5, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”), arguing that the Township’s response was not fully responsive to the Request in that Items 5, 6, 7, 9, and 10 were not produced and that no reasons were given for the redactions made. 65 P.S. § 67.903(2).

Local agencies have the burden of proving that records are exempt from access. 65 P.S. § 67.708(a)(1). Here the Township did not participate on appeal by submitting legal argument or evidence in support of withholding records.¹ Accordingly, the Township did not meet its burden of proof under the RTKL. 65 P.S. § 67.305.

For this reason, the appeal is **granted**, the Township 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 Carbon 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.² 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:

¹ On August 18, 2026, the OOR contacted the Township via both a telephone call from the OOR’s administrative staff and a letter from the undersigned; however, to date, no response has been received. The OOR also confirmed that the email address used in the appeal was correct, as it is the same email address located on the Township’s website.

² *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).



/s/ Meryl M. Peterman
MERYL M. PETERMAN, ESQ.
APPEALS OFFICER

Sent via portal to: Noah Bryfogle; Cady Guy (AORO, Franklin Township)