



FINAL DETERMINATION

IN THE MATTER OF

**DUSTIN LOGUE,
Requester**

v.

**NORWIN SCHOOL DISTRICT,
Respondent**

:
:
:
:
:
:
:
:
:
:
:

Docket No.: AP 2026-3103

On July 7, 2026, Dustin Logue (“Requester”) submitted a request (“Request”) to the Norwin School District (“District”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, stating:

I am requesting a copy of the complete and unedited video and audio recording of the Norwin School District Board of Education meeting held on June 8, 2026, currently hosted for viewing at:
<https://www.youtube.com/watch?v=7yyHK0gq6pM>.

I am requesting this record in its native digital file format (for example, .mp4). Please note that, pursuant to Section 704(b)(2) of the RTKL, if the District responds by directing me to a publicly accessible electronic posting, I am hereby stating in advance that I am unwilling to accept a link as a substitute and am requesting the actual digital file. A link to a video hosted on the District's YouTube channel will not satisfy this [R]equest, as access to it is only temporary until the minutes for that meeting are approved by the Board of Education at the following meeting.

On July 8, 2026, the District denied the Request, asserting that it is not in possession of the video and audio recording being requested and that the District streams the Board meetings and posts the videos directly to YouTube and “[t]here is no video file ever in the possession of the

District.” The District further stated that per District Policy, Board meeting minutes serve as the official record of the meeting and following approval of the minutes at the next month’s legislative meeting, the videos are deleted from YouTube.

On July 29, 2026, the Requester appealed to the Office of Open Records (“OOR”), challenging the denial and stating grounds for disclosure. With his appeal filing, the Requester provided copies of various correspondence with the District regarding the retention of Board meeting recordings, a TribLIVE article discussing the topic, and an OOR Final Determination in *Logue v. Norwin Sch. Dist.*, OOR Dkt. AP 2025-1898, 2025 PA O.O.R.D. LEXIS 2253, where the OOR found that the District did not have a records retention policy and that specific Board meeting videos no longer existed. 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 August 11, 2026, the District submitted a position statement arguing that the Requester has acknowledged that he accessed the meeting recording and as a result, the District has complied with Section 704(b) of the RTKL by making Board meeting recordings available on YouTube. The District further argues that the OOR does not have jurisdiction over the District’s retention policies. In support of its position, the District submitted a sworn affidavit from Lauren Steiner, the District’s Open Records Officer and Director of Communications and Development.

Also on August 11, 2026, the Requester submitted a position statement arguing that he did not seek a YouTube link, but rather, a digital video file that could be downloaded and saved. The Requester also states that the District did not previously have a records retention policy and that the District cannot discharge its RTKL duties by directing citizens to pay for a YouTube subscription.

In support of the District's position that it has fulfilled its duties under the RTKL, the Steiner Attestation¹ provides as follows:

5. The School District streams its monthly Board legislative meetings and the resulting video file is posted directly to the web-based platform YouTube from the streaming. To do this, the School District schedules the stream on YouTube and uses a software application to stream the scheduled online meeting. The meeting is then saved by YouTube on its servers to be viewed. This service is available through YouTube with no written agreement with the School District. The School District does not upload, download or save the video file of a streamed public meeting at any time, and at no time is it stored on or in any server owned or contracted with the School District.

Steiner Attestation, ¶ 5. The Steiner Attestation further provides that per District Policy 006, meeting minutes serve as the official record of the meetings and once approved by the Board, the Board Secretary notifies the District's IT Department and the Director of IT logs into YouTube and deletes the meeting video from the YouTube servers. *Id.* at ¶¶ 6-7. The responsive video for the June 8, 2026 Board meeting has been available since the date the meeting occurred and can be viewed for free and "anyone who has a paid YouTube account can also download a copy for their own use." *Id.* at ¶ 8.

Section 704 of the RTKL provides that an agency may make its records available "through publicly accessible electronic means." 65 P.S. § 67.704(b)(1). Directing a requester to a website satisfies an agency's obligations under Section 704 of the RTKL. *See Garland v. Pa. Public Utility Comm'n*, OOR Dkt. AP 2023-0463, 2023 PA O.O.R.D. LEXIS 601.

¹ Under the RTKL, a statement made under the 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. Office of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010). In the absence of any evidence that District has acted in bad faith, "the averments in [the Steiner 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 *Office of the Governor v. Scolforo*, 65 A.3d 1095, 1103 (Pa. Commw. Ct. 2013)).

Here, there is no dispute that the requested recording is available on YouTube² and that the Requester has accessed the video. Despite the Requester's various arguments regarding the District deleting meeting recordings, the OOR has no jurisdiction over the District's record retention policies, schedules or record destruction practices.³ See *Litzinger v. Norwin Sch. Dist.*, OOR Dkt. AP 2025-2010, 2025 PA O.O.R.D. LEXIS 2253. Additionally, to the extent the Requester argues that Section 704(b)(2) of the RTKL requires the District to provide the meeting recording in the format requested, the rules of statutory construction do not support such a conclusion; the Section is clear that once an agency makes electronic records available through publicly accessible means, their obligations have concluded, except when a record is capable of being converted to paper. 65 P.S. § 67.704(b)(2) (stating that if the requester is unwilling to access a record electronically, they may submit a written request to the agency to have the record converted to paper); 1 Pa.C.S. § 1921(a) (statutes are to be interpreted to effectuate the intent of the General Assembly). Therefore, because the District directed the Requester to YouTube where the responsive video currently exists and has been accessed by the Requester, we find that the District has fulfilled its obligations under the RTKL.⁴

For the foregoing reasons, the appeal is **denied** and the District is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal or petition for review to the Westmoreland County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties must be served with notice of

² See <https://www.youtube.com/watch?v=wyTfPONt5aA> (last accessed August 27, 2026).

³ The Requester argues that the District does not have a retention policy. We note that while the District relies on Policy 006 to support its position that meeting minutes are the official record documenting a Board meeting, it has not submitted a copy of a specific retention policy. Regardless, the OOR has jurisdiction to determine only whether a record exists and whether such record is subject to public disclosure.

⁴ Because we find that the District has met its obligations under the RTKL, the Requester's arguments that the District has the requested native form recording in its possession, may have acted in bad faith, and should be ordered to preserve the responsive video, need not be addressed in this Final Determination.

the appeal. The OOR also shall be served notice and have an opportunity to respond according to court rules 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 website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: August 27, 2026

/s/ Kathleen A. Higgins

KATHLEEN A. HIGGINS
DEPUTY CHIEF COUNSEL

Sent via OOR appeal portal to: Dustin Logue;
 Lauren Steiner, AORO;
 Andrew F. Evankovich, Esq.

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