



FINAL DETERMINATION

DATE ISSUED AND MAILED: September 4, 2026

IN RE: *James McDonald v. Mercy Hospital*; OOR Dkt. AP 2026-3641

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 OOR lacks jurisdiction. The appeal was filed against Mercy Hospital. The OOR has jurisdiction over Commonwealth and Local agencies. *See* 65 P.S. § 67.503(a). Mercy Hospital is not an “Agency” as defined by the Right-to-Know Law (“RTKL”). 65 P.S. § 67.102 (defining “Agency”); *Ridge v. Pa. American Water Co.*, OOR Dkt. AP 2011-1576, 2011 PA O.O.R.D. LEXIS 1232.

For this reason, Mercy Hospital 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 to a court with competent jurisdiction. 65 P.S. §§ 67.1301(a), 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.¹ 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 to: Requester; Mercy Hospital (Via USPS)

¹ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).