



FINAL DETERMINATION

DATE ISSUED AND MAILED: September 9, 2026

IN RE: *Palmer and VSCP Law v. City of Pittsburgh*; OOR Dkt. AP 2026-3645

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 OOR does not have jurisdiction to hear appeals related to criminal investigative records held by local law enforcement agencies. *See* 65 P.S. § 67.503(d)(2). Instead, appeals involving records alleged to be criminal investigative records held by a local law enforcement agency are to be heard by an appeals officer designated by the local district attorney.¹ Accordingly, the OOR lacks jurisdiction over this matter.

Additionally, the Right-to-Know Law does not apply to audio and video recordings made by a law enforcement agency; rather, there is a separate procedure governing access to these records. *See* 42 Pa.C.S. §§ 67A03-67A05. Further, any appeals are to be filed “in the court of common pleas with jurisdiction.” 42 Pa.C.S. § 67A06. Therefore, the OOR does not have jurisdiction over the portion of the appeal involving audio and/or video recordings of a law enforcement agency.

For this reason, the City of Pittsburgh 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 with Allegheny 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. 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.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:

/s/ *Joshua T. Young*

Senior Deputy Chief Counsel
Joshua T. Young, Esq.

Sent via OOR e-file portal to: Tracy L. Palmer, Esq.; Agency Open Records Officer, Pittsburgh City

¹ Notably, the Department’s final response directed the Requester to file his appeal with the Allegheny County District Attorney’s Office, not the OOR.

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