pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
JAMES HARRIS,	:	
Requester	:	
	:	
v.	:	**Docket No: AP 2026-2799**
	:	
PENNSYLVANIA OFFICE OF THE	:	
BUDGET,	:	
Respondent	:	

FACTUAL BACKGROUND

On May 15, 2026, James Harris ("Requester") submitted a request ("Request") to the Pennsylvania Office of the Budget ("Office") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking:

> …[R]ecords related to the Redevelopment Assistance Capital Program [("RACP")] grant awarded to Homer City Redevelopment, LLC[,] for the Pipeline Improvement Project in Center Township, Indiana County (announced November 1, 2024, $5,000,000). I am requesting the following records (electronic copies in PDF format preferred):
>
> [1.] The complete RACP grant application (including all attachments, exhibits, and the[]-RACP submission) submitted by or on behalf of Homer City Redevelopment, LLC[,] and/or Indiana County.
>
> [2.] All [C]ounty support letters, resolutions, or correspondence from the Indiana County Commissioners or Indiana County Office of Planning & Development.
>
> [3.] Any scoring sheets, evaluation memos, approval documents, or internal [Office] correspondence related to this specific project.

> [4.] All correspondence between the [Office] and Homer City Redevelopment, LLC, Indiana County, or their representatives (including Byron G. Stauffer, Jr., Robin Gorman, or their agents) concerning this grant (2023–present).

On June 22, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the Office partially granted the Request and provided records responsive to Items 1 and 4, containing redacted personal identification information, 65 P.S. § 67.708(b)(6). The Office denied a portion of Item 1, as well as Items 2 and 3 in full, claiming a grant agreement responsive to Item 1 and records responsive to Items 2 and 3 do not exist in the Office's possession, custody or control.

On July 13, 2026, the Requester filed an appeal with the Office of Open Records ("OOR"), challenging the denial and stating grounds for disclosure.[1] Specifically, the Requester asserts that the Office improperly redacted records and performed a bad faith search for responsive records.[2] The OOR invited both parties to supplement the record and directed the Office to notify the OOR if any third parties have a direct interest in this appeal. 65 P.S. § 67.1101(c).

On July 22, 2026, the Office submitted a position statement, reiterating the basis for its partial denial of the Request. Additionally, the Office claims that tax identification information was redacted from the responsive records pursuant to the Internal Revenue Code, 26 U.S.C. § 6103,[3] and argues the Requester's appeal was insufficient under Section 1101(a)(1) of the RTKL because the Requester provided only the "thinnest, most threadbare explanation" for the appeal.

[1] The Requester provided the OOR a thirty-day extension to issue the Final Determination. *See* 65 P.S. § 67.1101(b)(1) ("Unless the requester agrees otherwise, the appeals officer shall make a final determination which shall be mailed to the requester and the agency within 30 days of receipt of the appeal filed under subsection (a).").
[2] There were multiple submissions made by the parties concerning a submission by the Requester entitled "OB_Appeal_Statement_Harris.pdf." As noted by the OOR's correspondence, the only document labeled as such was located on pages 4 and 5 of the Requester's appeal submission. No documents provided by the Requester at the time of the appeal were excluded from the appeal docket.
[3] As the Requester does not challenge the redacted tax identification numbers in his appeal submission, said redactions will not be further addressed herein; however, such numbers are considered confidential tax information under the Internal Revenue Code. *See* 26 U.S.C. §§ 6103(a)-(b); *Office of the Budget v. Campbell*, 25 A.3d 1318, 1219-20 (Pa. Commw. Ct. 2011).

In support of the Office's position, the Office submitted an attestation made subject to the penalties of unsworn falsification to authorities, 18 Pa.C.S. § 4904, authored by Dustin Bailey ("Bailey Attestation"), the Office's Director of the Bureau of Redevelopment, Capital and Debt.

On July 29, 2026, the Requester submitted a position statement, claiming that the redactions made to the telephone numbers and email addresses were not appropriate since the emails addresses and telephone numbers are used to conduct official public business and, as a result, cannot be exempt personal information. Additionally, the Requester claims additional responsive records must exist, as the Office did not conduct a good faith search for responsive records.[4]

LEGAL ANALYSIS

The Office is a Commonwealth agency subject to the RTKL. 65 P.S. § 67.301. Records in the possession of a Commonwealth agency are presumed to be public, unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. As an agency subject to the RTKL, the Office is required to demonstrate, "by a preponderance of the evidence," that records are exempt from public access. 65 P.S. § 67.708(a)(1). Preponderance of the evidence has been defined as "such proof as leads the fact-finder … to find that the existence of a contested fact is more probable than its nonexistence." *Pa. State Troopers Ass'n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep't of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)).

1. The appeal complied with Section 1101(a) of the RTKL

The Office argues that the appeal should be dismissed because the Requester did not set

[4] The Requester's submission made on July 29, 2026 was made after the closure of the evidentiary submission record; however, said submission was considered herein. *See* 65 P.S. § 67.1102(b)(3) ("In the absence of a regulation, policy or procedure governing appeals under this chapter, the appeals officer shall rule on procedural matters on the basis of justice, fairness and the expeditious resolution of the dispute").

forth grounds for the appeal or reasoning as to why the Office should produce unredacted records. *See* 65 P.S. § 67.1101(a)(1). Section 1101(a)(1) of the RTKL requires requesters to "state the grounds upon which the requester asserts that the record is a public record...and...address any grounds stated by the agency for...denying the request." 65 P.S. § 67.1101(a)(1). In this instance, the Requester used the OOR's standard online appeal form, which allows the filer to automatically indicate perceived defects in the agency's response. The OOR's standard online appeal form states:

> By submitting this form, I am appealing the Agency's denial, partial denial, or deemed denial, or deemed denial because the requested records are public records in the possession, custody or control of the Agency; the records do not qualify for any exemptions under § 708 of the RTKL, are not protected by a privilege, and are not exempt under any Federal or State law or regulation; and the request was sufficiently specific.

The Commonwealth Court has held that a general statement that records are public and not subject to an exemption is sufficient to meet the requirements of Section 1101(a)(1) of the RTKL. *See Barnett v. Pa. Dep't of Pub. Welfare*, 71 A.3d 399 (Pa. Commw. Ct. 2013) (holding that a statement that records "do not qualify for any exemptions under [S]ection 708, are not protected by privilege, and are not exempted under any Federal or State law or regulation" satisfied Section 1101 of the RTKL). Because the OOR's appeal form largely mirrors the Commonwealth Court's language in *Barnett* and the appeal form sets forth the reasons for the appeal (i.e., the records do not qualify for exemptions), the use of this form sufficiently addresses the Office's grounds for denial. Further, the Requester challenges the Office's search for responsive records. Accordingly, the appeal meets the requirements of Section 1101(a) of the RTKL. 65 P.S. § 67.1101(a)(1).[5]

[5] The OOR does not find the Office's argument made pursuant to *Dep't of Corrections v. Office of Open Records*, 18 A.3d 429 (Pa. Commw. Ct. 2011) in its position statement, to be persuasive. The Requester here included language challenging the search and exemptions raised, in addition to utilizing the OOR's online standard appeal form. This is further supported by the Commonwealth Court's reasoning in *Barnett*.

2. The Office demonstrated that it appropriately redacted personal identification information

The Office argues that personal email addresses and telephone numbers are exempt under Section 708(b)(6)(i)(A) as personal identification information. Section 708(b)(6)(i)(A) of the RTKL protects certain "personal identification information" from public disclosure. 65 P.S. § 67.708(b)(6)(i)(A). Though personal identification information is not defined in the RTKL, Section 708(b)(6)(i)(A) specifically exempts "personal e-mail addresses." 65 P.S. § 67.708(b)(6)(i)(A).

In support of the Office's position, the Bailey Attestation indicates that only personal email addresses and telephone numbers were redacted from the responsive records and that those numbers and addresses are personal to those individuals. Bailey Attestation ¶¶ 11a, 13a.[6] Further, the Office claims that the telephone numbers and email addresses are not available on public websites or other public venues. Office position statement p. 13.

Here, there has been no sufficient evidence provided that the telephone numbers and email addresses provided within the responsive records are solely business telephone numbers and email addresses or telephone numbers and email addresses held out to the public and, therefore, are not subject to exemption under Section 708(b)(6)(i)(A). *See Pa. State System of Higher Education v. The Fairness Center*, No. 1203 C.D. 2015, 2016 Pa. Commw. Unpub. LEXIS 245 (Pa. Commw. Ct. 2016) (holding that email addresses "held out to the public" are not personal identification information subject to the exemption). Thus, the Office appropriately redacted personal telephone numbers and email addresses from the records provided to the Requester

[6] Under the RTKL, a sworn affidavit or statement 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 the Office has acted in bad faith, "the averments in the [attestation] should be accepted as true." *McGowan v. Pa. Dep't of Envtl. 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)).

3. The Office has demonstrated that additional responsive records do not exist

The Office asserts that it conducted a good faith search for records and as a result of said search, additional records responsive to the Request do not exist in the Office's possession, custody or control. In response to a request for records, "an agency shall make a good faith effort to determine if … the agency has possession, custody or control of the record[.]" 65 P.S. § 67.901. While the RTKL does not define the term "good faith effort," in *Uniontown Newspapers, Inc. v. Pa. Dep't of Corr.*, the Commonwealth Court stated:

> As part of a good faith search, the open records officer has a duty to advise all custodians of potentially responsive records about the request, and to obtain all potentially responsive records from those in possession… When records are not in an agency's physical possession, an open records officer has a duty to contact agents within its control, including third-party contractors ... After obtaining potentially responsive records, an agency has the duty to review the records and assess their public nature under … the RTKL.

185 A.3d 1161, 1171-72 (Pa. Commw. Ct. 2018) (citations omitted), *aff'd*, 243 A.3d 19 (Pa. 2020). An agency must show, through detailed evidence submitted in good faith from individuals with knowledge of the agency's records, that it has conducted a search reasonably calculated to uncover all relevant documents. *See Burr v. Pa. Dep't of Health*, OOR Dkt. AP 2021-0747, 2021 PA O.O.R.D. LEXIS 750; *see also Mollick v. Twp. of Worcester*, 32 A.3d 859, 875 (Pa. Commw. Ct. 2011).

Here, the Request seeks records related to the RACP grant awarded to Homer City Redevelopment, LLC for the Pipeline Improvement Project. In support of the Office's position that additional responsive records do not exist, the Office relies upon the Bailey Attestation. The Bailey Attestation is authored by the Office's Director of the Bureau of Redevelopment, Capital and Debt, an individual who oversees the Office staff that administers the RACP. The Office has demonstrated that it conducted a good faith search,[7] which included a search by Office RACP staff within the RACP's files for records of the Homer City Pipeline extension project and the email accounts of RACP staff who worked on, or may done worked on, the Homer City Pipeline project. Bailey Attestation ¶ 10b. Thus, based on the evidence provided, the Office has demonstrated that it conducted a good faith search and that it does not possess additional records responsive to the Request. There has been no sufficient evidence provided that otherwise contradicts the statements offered by the Office in the attestations submitted. *See Pa. Dep't of Health v. Mahon*, 283 A.3d 929 (Pa. Commw. Ct. 2022). Therefore, based on the evidence provided, the Office has met its burden of proof that additional records responsive to the Request do not exist.[8] *Hodges*, 29 A.3d at 1192.

4. The OOR declines to make a finding of bad faith

The Requester argues that the Office has acted in bad faith by failing to provide additional responsive records. While the OOR may make findings of bad faith, only the courts have the authority to impose sanctions on agencies. *See generally* 65 P.S. § 67.1304(a). Under the RTKL, a finding of bad faith is appropriate where an agency refuses to comply with its statutory duties under the RTKL. *Uniontown Newspapers*, 243 A.3d at 28-29; *California Univ. of Pa. v. Bradshaw*, 210 A.3d 1134 (Pa. Commw. Unpub. 2021), *appeal denied*, 2019 PA LEXIS (Pa. 2019*); Office of the Dist. Atty. of Phila. v. Bagwell*, 155 A.3d 1119 (Pa. Commw. Ct. 2017).

In the instant matter, the OOR declines to make a finding of bad faith. The Office responded to the Request and has participated on appeal, and the OOR has no reason to make such a finding.

[7] The Office also provides a description of the steps to be completed in order to receive RACP funding from the Commonwealth. *See* Bailey Attestation ¶ 8.

[8] While the OOR understands that the Requester feels the Office's search was incomplete and additional records should exist, the OOR makes no determination as to whether records *should* exist, as our inquiry is limited to only whether or not records are "in existence and in possession of the … agency at the time of the right-to-know request." *Moore*, 992 A.2d at 909; *see also* 65 P.S. § 67.705.

CONCLUSION

For the foregoing reasons, the appeal is **denied**. The Office 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 to the Commonwealth Court. 65 P.S. § 67.1301(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond as per Section 1303 of the RTKL; 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.[9] 65 P.S. § 67.1303. 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 OOR website at: http://openrecords.pa.gov.

FINAL DETERMINATION ISSUED AND MAILED: September 10, 2026

/s/ Bandy L. Jarosz

BANDY L. JAROSZ, ESQ.
APPEALS OFFICER

Sent to: James Harris (via portal only)
Brian Zweiacher, Esq. (via portal only)
Barry J. Williams (via portal only)

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