



FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
MORGAN RESS AND DIAMOND BEACH	:	
LAND COMPANY,	:	
Requester	:	
	:	
v.	:	Docket No.: AP 2026-3307
	:	
CITY OF PITTSBURGH,	:	
Respondent	:	

On June 29, 2026, Morgan Ress and Diamond Beach Land Company (collectively “Requester”) submitted a request (“Request”) to the City of Pittsburgh (“City”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, stating:

Time Period:

April 19th to 25th, 2026

Primary Custodian:

Department of Mobility and Infrastructure

Secondary Custodian:

Department of Innovation and Performance

Records requested:

1. ...[A]ll public records...created or modified by the public employee or employees logged in to the City’s Esri ArcGIS software suite¹ as user “bridgis.”

¹Esri (Environmental Systems Research Institute, Inc.) is the company that builds ArcGIS, which is geographic information system (GIS) mapping software. See <https://www.esri.com/en-us/home> (last accessed September 1, 2026).

2. ...[R]ecords of the name, job title, and professional qualifications of the public employee or employees with access to the Esri user account “bridgis.”
3. ...[A]ny public record in the possession of the Department of Mobility and Infrastructure that directs, instructs, or otherwise compels a City GIS technician to modify the ownership of any GIS feature in any DoMI GIS database.
4. ...[T]he full text of DoMI’s current written procedures for the modification of ownership records of City assets.
5. ...[T]he full text of the City’s policy regarding digital incremental data backups and snapshot data backups of the City’s Esri digital files. Please include any public record that indicates the storage location, naming convention, custodian, and the time period between incremental snapshot backups of this data.
6. ...[T]he full text of DoMI’s current written policies regarding the logging of changes to DoMI records, and all current DoMI record chain-of-custody policies.

On August 7, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the City denied the Request, arguing that it is insufficiently specific, 65 P.S. § 67.703.

On August 12, 2026, the Requester appealed to the Office of Open Records (“OOR”), challenging the denial and stating grounds for disclosure. The OOR invited both parties to supplement the record and directed the City to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On August 24, 2026, the City submitted a position statement reiterating its grounds for denial. The City also provided two policies responsive to Items 4-6 of the Request.

On the same day, the Requester provided various documents in support of the appeal, including documentation from prior RTKL requests and other OOR appeals. The Requester also argues that the City has acted in bad faith.²

LEGAL ANALYSIS

The City is a local agency subject to the RTKL. 65 P.S. § 67.302. Records in the possession of a local 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 City 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)).

² The Requester argues that the City acted in bad faith by its “repeated use of boilerplate denials.” 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) (noting that a court “may award reasonable attorney fees and costs of litigation...if the court finds...the agency receiving the...request willfully or with wanton disregard deprived the requester of access to a public record...or otherwise acted in bad faith...”); 65 P.S. § 67.1305(a) (“A court may impose a civil penalty of not more than \$1,500 if an agency denied access to a public record in bad faith”). 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, Inc. v. Pa. Dep’t of Corr.*, 243 A.3d 19, 28-29 (Pa. 2020); *California Univ. of Pa. v. Bradshaw*, 210 A.3d 1134 (Pa. Commw. Unpub. 2021) *appeal denied* 2019 PA LEXIS (Pa. 2019) (awarding attorney’s fees, costs and statutory damages for bad faith when the University failed to contact third-party contractor in search for records prior to asserting that no responsive records exist and subsequently litigating the frivolous basis for denial);² *Office of the Dist. Atty. of Phila. v. Bagwell*, 155 A.3d 1119 (Pa. Commw. Ct. 2017) (a finding of bad faith was warranted where the agency based a denial on the identity of the requester, refused to provide a legal rationale for denial and did not perform a good faith search). Here, the City responded to the Request, provided responsive records during the appeal, and fully participated in the appeal by providing legal argument in support of its position and meeting all deadlines set by the OOR. Additionally, there is no prohibition in the RTKL from using standard or repeated language in agency responses. Accordingly, the instant record does not support a finding of bad faith.

1. The appeal is moot in part

During the appeal, the City provided policies responsive to the Request. Accordingly, the appeal is dismissed as moot as to the records provided. *See Chester Water Auth. v. Pa. Dep't of Cmty. & Econ. Dev.*, 249 A.3d 1106, 1114 (Pa. 2021) (finding that a matter was settled by provision of records, and thus, “the controversy has been mooted”); *Kutztown Univ. of Pa. v. Bollinger*, 217 A.3d 931 (Pa. Commw. Ct. 2019).

2. Items 1 and 2 of the Request are sufficiently specific but Item 3 is not

The City argues that Items 1-3 of the Request are insufficiently specific. *See* 65 P.S. § 67.703. The Requester argues, among other things, that City fails to meet its burden of proof on appeal and that the “Request identifies...[one] specific City Esri ArcGIS user out of 350 known City...user accounts.”

Section 703 of the RTKL states that “[a] written request should identify or describe the records sought with sufficient specificity to enable the agency to ascertain which records are being requested.” 65 P.S. § 67.703. When determining whether a particular request is sufficiently specific, the OOR uses the three-part balancing test employed by the Commonwealth Court in *Pa. Dep't of Educ. v. Pittsburgh Post-Gazette*, 119 A.3d 1121 (Pa. Commw. Ct. 2015).

First, “[t]he subject matter of the request must identify the ‘transaction or activity’ of the agency for which the record is sought.” *Id.* at 1125 (quoting 65 P.S. § 67.102). Second, “[t]he scope of the request must identify ‘a discrete group of documents, either by type...or by recipient.’” *Id.* (quoting *Carey v. Pa. Dep't of Corr.*, 61 A.3d 367, 372 (Pa. Commw. Ct. 2013)). Finally, “[t]he timeframe of the request should identify a finite period of time for which records are sought.” *Id.* at 1126 (citing *Carey, supra*). “The timeframe prong is, however, the most fluid of the three prongs, and whether or not the request’s timeframe is narrow enough is generally

dependent upon the specificity of the request’s subject matter and scope.” *Id.*

The above factors are intended “to facilitate an analysis in order to determine whether an agency can ascertain which records are being requested.... The subject matter, scope, and timeframe of a request are flexible, analytical elements, not evidentiary requirements.” *Pa. Dep’t of Health v. Shepherd*, No. 377 C.D. 2021, 2022 Pa. Commw. Unpub. LEXIS 207 *6-7 (Pa. Commw. Ct. 2022), appeal denied, No. 334 MAL 2022, 2022 Pa. LEXIS 1862 (Pa. 2022). Finally, we must analyze the entirety of a request, as it is possible that portions of a request are insufficiently specific, while other portions provide sufficient guidance. *See Pa. State Police v. Office of Open Records*, 995 A.2d 515, 517 (Pa. Commw. Ct. 2010) (noting “the valid part of the request was included in a laundry list of requested materials”).

Here, Items 1-3 of the Request have the same short timeframe of April 19-25, 2026. *See Pa. Dep’t of Educ.*, 119 A.3d 1121. Item 1 of the Request has a subject matter, creation or modification of ArcGIS records by a certain user, and has narrow scope, identifying the documents sought—the GIS records that were created or modified. *Id.* Further, the subject matter of Item 1 identifies an activity or transaction of the City—creating or modifying records in its ArcGIS database. Further, it narrows the transactions to those done by one specified username. These parameters, along with a finite time period of one week, enable the City to conduct a search of its ArcGIS database for the records that were created or modified by that user from April 19-25. Therefore, Item 1 of the Request meets the specificity requirements of Section 703 of the RTKL. *See* 65 P.S. § 67.703.

Similarly, Item 2 of the Request has a subject matter, “user account ‘bridgis[,]’”³ and identifies the records sought—namely, the documents showing the “name, job title, and

³ The City argues that it “interpreted Item...2 to ask for the same vague subject matter as Item...1” of the Request. When responding to an RTKL request, an agency is permitted to make a reasonable interpretation of its meaning. *See*

professional qualifications” of the City “employee or employees with access to the Esri user account ‘bridgis’” for the stated timeframe. Thus, Item 2 of the Request is sufficiently specific. *See* 65 P.S. § 67.703; *see also Pittsburgh Post-Gazette, supra*. Because the City raises no other grounds for withholding records responsive to Items 1 and 2, it must produce all responsive records. *See* 65 P.S. § 67.305.

On the other hand, Item 3 of the Request has a broad subject matter, modification of “the ownership of any GIS feature in any... GIS database,” and has an extremely broad scope, “any public record.” The use of the word “directs” and “instructs” attempts to provide the City with additional guidance as to the contents of the records it seeks.⁴ However, the plain language of the Request still does not identify the type of documents sought, such as emails or memorandums, which would aid the City in its search for responsive records. Accordingly, based on its broad subject matter and its extremely broad scope, Item 3 of the Request is insufficiently specific. *See* 65 P.S. § 67.703. However, nothing in this Final Determination prevents the Requester from submitting a more specific RTKL request, and if necessary, filing a new appeal with the OOR pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

CONCLUSION

For the foregoing reasons, the appeal is **granted in part, denied in part and dismissed as moot in part**, and within thirty days, the City is required to conduct a good faith search for records responsive to Items 1-2 of the Request and provide all records located to the Requester. In the

Spatz v. City of Reading, OOR Dkt. AP 2013-0867, 2013 PA O.O.R.D. LEXIS 513; *Signature Info. Solutions, Inc. v. City of Warren*, OOR Dkt. AP 2012-0433, 2012 PA O.O.R.D. LEXIS 557; *see also Vista Health Plan, Inc. v. Pa. Dep’t of Human Servs.*, 2018 Pa. Commw. Unpub. LEXIS 295, *12-13; *Pa. Dep’t of Conservation & Natural Res. v. Vitali* (Pa. Cmwlth., No. 1013 C.D. 2014, filed July 9, 2015), 2015 Pa. Commw. Unpub. LEXIS 479, at *9. Here, the plain language of both Items 1 and 2 of the Request show that “the Esri user account ‘bridgis’” is part of the subject matter of each Item but, based on the full text, each item has a distinct subject matter as discussed above.

⁴ Merriam Webster defines “instructs” as “to provide with authoritative information or advice” or “to give an order or command” and notes that “direct” is a synonym. *See* <https://www.merriam-webster.com/dictionary/instructs> (last accessed September 2, 2026).

alternative, if no records are located, the City must provide the Requester with an attestation describing its search and affirming that no responsive records exist. 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 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, 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.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 OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: September 10, 2026

/s/ Erika Similo

ERIKA SIMILO
APPEALS OFFICER

Sent via portal to: Morgan Ress
 Cade Richmond, Esq.

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