

pennsylvania
OFFICE OF OPEN RECORDS
FINAL DETERMINATION

IN THE MATTER OF	:
	:
CARTER WALKER AND VOTEBEAT,	:
Requester	:
	:
v.	: Docket No: AP 2026-3450
	: (Consolidated with OOR Dkt.
LYCOMING COUNTY,	: AP 2026-3451)
Respondent	:

FACTUAL BACKGROUND

On August 20, 2026, Carter Walker and Votebeat (collectively, the “Requester”) submitted two requests (“Requests”) to Lycoming County (“County”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking communications containing certain keywords and RTKL records associated with a named individual. On the same day, the County advised the Requester that it would “not process any requests submitted via email” and directed him to the County’s RTKL policy posted on the County’s website.

Also on August 20, 2026, the Requester appealed to the Office of Open Records (“OOR”), challenging the denial(s) and stating grounds for disclosure.¹ The OOR invited both parties to

¹ The Requester filed two separate appeals which were docketed as OOR Dkts. AP 2026-3450 and AP 2026-3451. Because the appeals involve the same parties and issues, they are hereby consolidated into the above-captioned docket, OOR Dkt. AP 2026-3450, for disposition.

supplement the record and directed the County to notify the OOR if any third parties have a direct interest in this appeal. 65 P.S. § 67.1101(c).

On September 2, 2026, the County submitted a position statement, reiterating its grounds for denial, and further explaining that the County's RTKL policy "prohibits requesters from emailing PDF requests and instead requires any requests on the standard form to be submitted on paper (in-person or by mail). The Requester did not submit any additional legal argument or evidence during the appeal.

LEGAL ANALYSIS

The County 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 County 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)).

The County denied the Requests, arguing that the Requester failed to comply with the County's RTKL policy by using the County's online request system or by properly submitting hardcopies of the Requests. Conversely, the Requester asserts that the Requests were submitted on the statewide standard request form and emailed to the County consistent with 65 P.S. § 67.703.

It is undisputed that an agency may promulgate regulations and policies to govern its administration of the RTKL. 65 P.S. § 67.504; *see also Grine v. Centre Co.*, 138 A.3d 88, 98 (Pa.

Commw. Ct. 2016). Furthermore, an agency with a posted policy requiring the use of a specific form or forms may deny access to records where a requester fails to use the required form(s). *See, e.g., Miller v. Chester County*, OOR Dkt. AP 2025-3497, 2025 PA O.O.R.D. LEXIS 3384. However, Section 703 of the RTKL provides that “[a] written request for access to records may be submitted in person, by mail, *by e-mail*, by facsimile or, to the extent provided by agency rules, by any other electronic means[,]” 65 P.S. § 67.703 (emphasis added), and nothing in the RTKL permits an agency to limit the methods by which a requester may transmit a RTKL request to an agency. While the County is permitted to utilize an online RTKL request system as an alternative electronic means for submitting RTKL requests, the instant Requests were made on the OOR’s statewide RTKL request form in accordance with the County’s RTKL policy, and the County may not, through the same policy, restrict the manner by which the Requests may be transmitted to the County (i.e., via e-mail) where the method of transmission is expressly permitted by statute. *See* 65 P.S. § 67.703. Therefore, because the instant Requests were submitted on the statewide RTKL request form and were transmitted to the County via a method of transmission explicitly authorized by the RTKL, the County was required to process the Requests as submitted.

CONCLUSION

For the foregoing reasons, the appeal is **granted**, and the County is required to process the Requests and issue final responses thereto within thirty days. 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 Lycoming 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 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.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 OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: 11 September 2026

/s/ Joshua T. Young

JOSHUA T. YOUNG, ESQ.
SENIOR DEPUTY CHIEF COUNSEL

Sent via OOR e-file portal to: Carter Walker;
Stephen C. Hartley, Esq.; Marirose Neiman, AORO

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