

FINAL DETERMINATION

DATE ISSUED AND MAILED: September 17, 2026

IN RE: *Daiyana Rodriguez v. Bethlehem City*, OOR Dkt. AP 2026-3469

On July 27, 2026, Daiyana Rodriguez (“Requester”) filed a request (“Request”) with Bethlehem City (“City”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* When the City failed to respond by August 3, 2026, the Request was deemed denied. 65 P.S. § 67.901. On August 21, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”).

Local agencies have the burden of proving that records are exempt from access. 65 P.S. § 67.708(a)(1). Here, the City did not comply with the RTKL by timely responding to the Request, nor did the City participate on appeal by submitting legal argument or evidence in support of withholding records.¹ Accordingly, the City did not meet its burden of proof under the RTKL. 65 P.S. § 67.305.

For this reason, the appeal is **granted**, and the City is required to provide access to the requested records within thirty days.² Failure to comply with this Final Determination may result in the imposition of court costs, attorney fees, or civil penalties by a reviewing court. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Northampton 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.³ 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>.

Issued by:

/s/ Blake Eilers

SENIOR APPEALS OFFICER

BLAKE EILERS, ESQ.

Delivered via OOR e-file Portal to: Daiyana Rodriguez; Nikolas Franekic

¹ OOR records show that the City viewed the docket.

² Some of the requested surveys, plans and maps may be copyrighted, and the City may limit access to inspection only. 17 U.S.C. §§ 106, 501; *Ali v. Phila. City Planning Comm.*, 125 A.3d 92, 101-05 (Pa. Commw. Ct. 2015); *Highmark v. Voltz*, 163 A.3d 485, 490 (Pa. Commw. Ct. 2017) (internal citations omitted) (agencies cannot waive a third party’s rights). The Request also seek GIS data, and agencies can charge fees for complex and extensive data sets, “including geographic information systems or integrated property assessment lists,” based on the reasonable market value of similar data sets. 65 P.S. § 67.1307(b)(4)(i).

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