



FINAL DETERMINATION

IN THE MATTER OF

**KALILAH BRANTLEY,
Requester**

v.

**PENNSYLVANIA PAROLE BOARD,
Respondent**

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Docket No: AP 2026-3859

On August 31, 2026, Kalilah Brantley (“Requester”), submitted a request (“Request”) to the Pennsylvania Parole Board (“Board”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq*, seeking, among other things, “[t]he date [William Broadus] was released to or began state parole supervision...].”¹ On September 8, 2026, the Board partially denied the Request, providing the Requester with certain Board decisions and denying the remainder of the Request pursuant to 37 Pa. Code § 61.2, because records relate to criminal and noncriminal investigations, 65 P.S. § 67.708(b)(16)-(17), and because the records are protected from disclosure by the Criminal History Record Information Act (“CHRIA”), 18 Pa.C.S. §§ 9101 *et seq*.

On September 11, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”), challenging only the denial of Item 2 of the Request and stating grounds for disclosure.

¹ The portion of the Request seeking this information is identified as Item 2.

The OOR invited both parties to supplement the record and informed the Board that notice to third parties may be necessary, 65 P.S. § 67.1101(c).

On September 24, 2026, the Board submitted a position statement, reiterating its grounds for denial, and the affidavit, made subject to the penalties set forth in 18 Pa.C.S. § 4904, from Janaki Theivakumaran (“Theivakumaran Affidavit”), the Board’s Open Records Officer. The Requester did not submit any additional legal argument or evidence.

As the Appeals Officer assigned to this matter, I have reviewed the appeal filed with the OOR, as well as the parties’ submissions in support of their respective positions. Based upon my review of the appeal and the necessary evidence, I make the following conclusions of law and findings of fact:

The Board denied Item 2 of the Request, arguing that the information was protected from disclosure by the Board’s confidentiality regulation, which states as follows:

Records, reports, and other written things and information, evaluations, opinions, and voice recordings in the Board’s custody or possession touching on matters concerning a probationer or parole are private, confidential and privileged....

37 Pa. Code § 61.2; *see also Jones v. Office of Open Records*, 993 A.2d 339 (Pa. Commw. Ct. 2010). Furthermore, the Board notes that the Prisons and Parole Code (“Code”) was recently amended to provide the following:

(c) Confidentiality of parole review materials.—Except as provided under section 6138(a)(5) (relating to parole procedure), records of the board’s parole decision-making process and records or information furnished to the board by a public official or public employee under subsection (b): (1) Shall be deemed confidential and privileged. (2) Shall not be subject to subpoena or discovery. (3) Shall not be introduced into evidence in a judicial or administrative proceeding. (4) Shall not be released to the offender.

61 Pa.C.S. § 6135(c). The Theivakumaran Affidavit confirms that the Board possesses records responsive to Item 2 of the Request and that those records consist of reports, evaluations and other

written information which touch upon matters concerning a parolee or probationer. Theivakumaran Affidavit, ¶¶ 10-11. Furthermore, Open Records Officer Theivakumaran affirms that any records constituting “a brief statement of the reasons for action by the Board granting or refusing a parole” were provided to the Requester in response to the Request. *Id.* at ¶ 12. While the Theivakumaran Affidavit contains only general statements regarding the records alleged to be confidential, the Request itself, as well as the statements attached to the Requester’s appeal form, demonstrate that the information sought in Item 2 would be contained in or have to be gleaned from records subject to the Board’s broad confidentiality regulation. *See Pa. Game Comm’n v. Fennell*, 149 A.3d 101 (Pa. Commw. Ct. 2016) (holding that the OOR must consider uncontradicted statements in the appeal filing). Based upon the evidence provided, as well as the undisputed statements contained in the Request and in the appeal documents, the Board has met its burden of proving that the records responsive to Item 2 of the Request are confidential and, therefore, protected from disclosure. *See, e.g., Petritis v. Pa. Parole Bd.*, OOR Dkt. AP 2024-2087, 2024 PA O.O.R.D. LEXIS 2673.

For the foregoing reasons, the appeal is **denied**, and the Board 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 or petition for review 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 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. 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>.

FINAL DETERMINATION ISSUED AND MAILED: 29 September 2026

/s/ Joshua T. Young

JOSHUA T. YOUNG, ESQ.
SENIOR DEPUTY CHIEF COUNSEL

Sent via OOR e-file portal to: Kalilah Brantley
Morgan Davis, Esq. and Janaki Theivakumaran, AORO