



FINAL DETERMINATION

DATE ISSUED AND MAILED: September 29, 2026

IN RE: *Justin Byers v New Castle City*, OOR Dkt. AP 2026-3912

On September 3, 2026, Justin Byers (“Requester”) submitted a request (“Request”) to New Castle City (“City”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* seeking insurance policies and financial records of the City. The City did not respond within five business days of receiving the Request, and the Request was, therefore, deemed denied on September 11, 2026.¹ 65 P.S. § 67.901. On September 15, 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.² 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**, the City is required to provide the requested records to the Requester within thirty days, or, in the alternative, a sworn affidavit or a statement made under the penalty of perjury detailing the search conducted and demonstrating that certain records do not exist. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Lawrence 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.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 website at: <http://openrecords.pa.gov>.

Issued by:

/s/ Catherine R. Hecker

CATHERINE R. HECKER
APPEALS OFFICER

Sent via the OOR Portal to: Justin Byers, Requester
Samantha Richardson., AORO

¹ If the City was closed on September 6, 2026 in observance of the Labor Day holiday, the City’s response would have been due on September 11, 2026.

² The OOR appeal portal log indicates that the email address associated with a City official accessed and viewed files within the appeal docket. The City has failed to participate in this appeal.

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