

FINAL DETERMINATION

DATE ISSUED AND MAILED: September 30, 2026

IN RE: *Byong Oh v. East Whiteland Township*, OOR Dkt. AP 2026-3871

On September 2, 2026, Byong Oh (“Requester”) submitted a request (“Request”) to East Whiteland Township (“Township”) pursuant to the Right-to-Know-Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking records regarding a specific lot. The Township did not respond within five business days of receiving the Request, and the Request was, therefore, deemed denied on September 10, 2026.¹ 65 P.S. § 67.901. On September 14, 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 Township did not comply with the RTKL by timely responding to the Request, nor did the Township participate on appeal by submitting legal argument or evidence in support of withholding records.² Accordingly, the Township did not meet its burden of proof under the RTKL. 65 P.S. § 67.305.

For this reason, the appeal is **granted**, the Township 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 demonstrating that the 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 Chester 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/ Meryl M. Peterman
MERYL M. PETERMAN, ESQ.
APPEALS OFFICER

¹ If the Township was closed on September 7, 2026, in observance of the Labor Day holiday, the Township’s response would have been due on September 10, 2026.

² A review of the docket showed that the Township accessed the docket on September 15, 2026, September 17, 2026, September 21, 2026, and September 22, 2026. The OOR reached out to the Township via letter on September 25, 2026, to which no response was received.

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



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OFFICE OF OPEN RECORDS

Sent via portal to: Byong Oh; Donna Wikert (AORO, East Whiteland Township)