pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
JAMES HARRIS,	:	
Requester	:	
	:	
v.	:	**Docket No: AP 2026-3236**
	:	
PENNSYLVANIA DEPARTMENT	:	
OF COMMUNITY AND	:	
ECONOMIC DEVELOPMENT,	:	
Respondent	:	

On July 2, 2026, James Harris ("Requester") submitted a request ("Request") to the Pennsylvania Department of Community and Economic Development ("Department") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking:

> Records Requested (Timeframe: January 1, 2022 to [the date of the Request]): I am requesting the following specific public records in the possession, custody, or control of the [Department] and the Commonwealth Financing Authority (CFA):
>
> The ARPA H2O Grant: All applications, scoring sheets, award letters, and payment records related to the December 19, 2023, CFA grant award of $1.9 million (COFIC 19 ARPA H2O PA) to the Central Indiana County Joint Sanitary Authority for sewer system improvements in Center Township and Homer City Borough.
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> The RACP[1] Pipeline Grant: All applications, Business Plans, Project Management Proposals (PMP), and award correspondence related to the $5,000,000 RACP Grant (Item #12366) awarded for "Acquisition, construction, reconstruction … and/or hazardous assessment" involving the Indiana County Commissioners (Grantee) and Homer City Pipeline, LLC/Heather Murphy (Sub Grantee).

[1] "Redevelopment assistance Capital Program."

> The LSA Demotion Grant: All grant applications and corresponding agency emails submitted on or around November 9, 2023, by Gibson Thomas Engineering (Nicholas Puzak) and/or Indiana County Office of Planning & Development (Bryon Stauffer) regarding a $997, 139 Local Share Account (LSA) grant for "acquisition, demolition, and ground restoration of five buildings along Main Street."

On August 7, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the Department granted the Request in part, providing "approximately seven hundred and ninety-eight (798) pages of records," and denied the Request in part, arguing that the Department does not possess records regarding the RACP in its possession, custody, or control,[2] and redacting personal identification information (i.e. personal email addresses, personal phone numbers, signatures, and "personal financial information"), 65 P.S. § 67.708(b)(6)(i)(A).

On August 7, 2026, the Requester submitted an appeal to the Office of Open Records ("OOR"), challenging the denial and stating grounds for disclosure. Specifically, the Requester challenges the Department's assertion that it does not possess any records regarding the RACP pipeline grant and the redactions made for signatures, email addresses, phone numbers and "personal financial information."

On September 9, 2026, the Department submitted a position statement, reiterating its grounds for denial and supplying the Requester with responsive records, removing the redactions made to signatures. *See* Department's submissions, pages 1-798. In support of its position , the Department submitted the attestation, made under the penalty of unsworn falsification to authorities[3] from Candace Gaul ("Gaul Attestation"), the Department's interim open records officer ("AORO").[4]

On September 9, 2026, the Requester submitted a "Formal Rebuttal Brief and Motion for In-Camera Review" challenging the Department's position statement. The Requester further asks the

[2] The Department noted that the RACP records should be directed to the Pennsylvania Office of the Budget ("Budget").
[3] 18 Pa.C.S. § 4904.
[4] Under the RTKL, a sworn affidavit or statement made under the penalty of perjury may serve as sufficient evidentiary support. *See Sherry v. Radnor Twp. Sch. Dist.*, 20 A.3d 515, 520-21 (Pa. Commw. Ct. 2011); *Moore v. Office of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010).

OOR to "issue a finding of administrative bad faith against DCED under 65 P.S. § 67.1304(a). That same day, the Requester submitted two additional correspondences reiterating his request for *in-camera* review and arguing that the Department failed to conduct a good faith search for all records responsive to the Request.

As an initial matter, the Requester asks the OOR to conduct *in camera* review; however, the OOR declines to do so because it has the necessary information and evidence before it to adjudicate this matter. Based upon my review of the appeal and evidence, I make the following conclusions of law and findings of fact:

- During the Appeal, the Department provided less redacted records responsive to the Request. *See* Gaul Attestation, ¶ 12. As such, the appeal is dismissed as it relates to the less redacted records provided on appeal. *See Chester Water Auth. v. Pa. Dep't of Cmty. & Econ. Dev.,* 249 A.3d 1106, 1114 (Pa. 2021) (finding that a matter was settled by provision of records, and thus, "the controversy has been mooted").
- The Department demonstrated that additional responsive records do not exist. The AORO explains that the RACP is a grant program, administered at the Budget and, therefore, RACP grant records are housed at Budget.[5] Gaul Attestation, ¶¶ 3-4. Ms. Gaul also inquired with Ryan Emerson, Department Director of Grants, who is familiar whether grant records would be housed at the Department, and "was told that [the Department] does not house such records[.]" *Id.* at ¶ 8. Based upon this evidence, the Department demonstrated that it conducted a good faith search for responsive records as required by 65 P.S. § 67.901 and as a result of the search, no additional responsive records were

[5] *See generally, Mutchler v. Pa. Off. of Admin.*, 334 A.3d 57, 2025 Pa. Commw. LEXIS 50 (Pa. Commw. Ct., Mar. 18, 2025) (in the context of the applicability of 65 P.S. § 67.506(d)(1), the Commonwealth Court explained that the RTKL does not "require one agency to obtain from another agency information that the requester could get from that other agency directly"), *petition for allowance of appeal granted in limited part,* No. 196 MAL 2025, 2025 Pa. LEXIS 1472 (Sept. 23, 2025).

located other than those provided to the Requester. Therefore, based on the evidence provided, the Department has met its burden of proof that it does not possess additional responsive records. *Hodges v. Pa. Dep't of Health,* 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

- Personal identification information may be redacted. Section 708(b)(6) exempts "[a] record containing all or part of a person's…home, cellular or personal telephone numbers…personal financial information…[and] employee number or other confidential personal identification number." 65 P.S. § 67.708(b)(6)(i)(A). "Personal financial information" is further defined by the RTKL as "[a]n individual's personal credit, charge or debit card information; bank account information; bank, credit or financial statements; account or PIN numbers and other information relating to an individual's personal finances." 65 P.S. § 67.102. The Department asserts that "[t]he 'financial records' Requester references in his appeal are checks with bank account info redacted." Gaul Attestation, ¶ 11. Thus, insofar as records reflecting this information (i.e. personal identification information) also contain "personal financial information" as identified in the definition above, such information may be redacted from the records. *See* 65 P.S. § 67.706. However, to the extent the redacted financial account information contains bank routing numbers, those numbers are public and must be disclosed.[6] *See Monaghan v. Lycoming Cnty.,* OOR Dkt. AP 2025-3834, 2026 PA O.O.R.D. LEXIS 721, *7 (explaining that bank routing numbers are public because banks post their routing numbers on their webpages and regularly hold the numbers our to the public) (citations omitted).
- The OOR declines to make a finding of bad faith. While the OOR may make a finding of bad faith, only a court may impose related penalties. *See* 65 P.S. §§ 67.1304(a), 67.1305.

[6] *See, e.g.,* p. 53 in the "1-100.pdf" and p. 9 in the "701-798.pdf."

Under the RTKL, a finding of bad faith may be appropriate where an agency refuses to comply with its statutory duties. *See Uniontown Newspapers, Inc. v. Pa. Dep't of Corr.*, 185 A.3d 1161, 1171-74 (Pa. Commw. Ct. 2018), aff'd, 243 A.3d 19 (Pa. 2020); *see also Off. of the Dist. Att'y. of Phila. v. Bagwell*, 155 A.3d 1119, 1140-41 (Pa. Commw. Ct. 2017) (a finding of bad faith was warranted where the agency based a denial on the identity of the requester, refused to provide a legal rationale for denial and did not perform a good faith search). However, such a finding is typically reserved only for an egregious or blatant violation of the RTKL. Here, the Department issued a timely Final Response to the Request that provided responsive records and participated on appeal. Thus, the OOR declines to make a finding of bad faith in this matter.

CONCLUSION

For the foregoing reasons, the appeal is **granted in part**, **denied in part** and **dismissed as moot in part**, and the Department is required to provide the responsive records with bank routing numbers unredacted to the Requester 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 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.[7] 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.

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

FINAL DETERMINATION ISSUED: October 1, 2026

/s/ Lyle Hartranft

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LYLE HARTRANFT, ESQ.
APPEALS OFFICER

Sent via OOR E-file appeal portal to: James Harris; Shawn Kerns, AORO