



FINAL DETERMINATION

IN THE MATTER OF

**NATHAN LYTLE,
Requester**

v.

**SCHUYLKILL COUNTY,
Respondent**

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Docket No: AP 2026-3675

On July 22, 2026, Nathan Lytle (“Requester”) filed a request (“Request”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking records “believed to be missing from the response provided to [a previous] request submitted on 7/10/2026 for documents regarding the Center for Community Resources (CCR).” Specifically, the Request sought electronic copies of:

1. [County Drug & Alcohol Program (“SCA”)] audits conducted with CCR.
2. Outcome measurements noted in contracts between the SCA and CCR, including but not limited to End of Shift reports, monthly Warm Hand Off reports, monthly meeting minutes/reports, etc.
3. Contracts in electronic format (provided in paper format despite being stored in electronic format).
4. Any information related to mental health and/or crisis intervention services being offered by CCR.

... [A]ny contracts, agreements, grants, performance audits, and compliance reports; including any and all appendices/amendments, made with the [CCR] by [the] County within the past ten (10) years. ... [A]ny supplemental materials/attachments that show minimum staffing, availability, wages, trainings, and/or other [related items]. ... [T]raining records for all past and present staff employed by CCR from 2022 to present that demonstrate compliance with the

training requirements listed in the Pennsylvania Department of Drug and alcohol Programs Case Management & Clinical Services Manual under 506(d).

On August 21, 2026, after invoking a thirty-day extension to respond, *see* 65 P.S. § 67.902(b), the County provided responsive records.

On September 3, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”), stating grounds for the disclosure of additional records. The OOR invited both parties to supplement the record and directed the Township to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

1. The County permissibly provided paper copies of responsive contracts

The Request sought electronic copies, but, despite the fact that the records are stored electronically, the County provided paper copies. Pursuant to Section 701 of the RTKL, “[a] record being provided to a requester shall be provided in the medium requested if it exists in that medium; otherwise, it shall be provided in the medium in which it exists.” 65 P.S. § 67.701. The RTKL does not define “medium;” however, the OOR has defined it “as the substance through which something is transmitted or carried, a ‘means,’ such as on paper or on the hard-drive or on a database or over the internet.” *Acton v. Fort Cherry Sch. Dist.*, OOR Dkt. AP 2009-0926, 2009 PA O.O.R.D. LEXIS 786, *aff’d*, No. 2010-719 (Wash. Com. Pl. July 26, 2011), *aff’d*, 38 A.3d 1092 (Pa. Commw. Ct. 2012), *petition for allowance of appeal denied*, 57 A.3d 72 (Pa. 2012).

The Lebo Attestation provides that while the contracts are stored electronically, they cannot be saved anywhere other than the program they are saved in, and to provide a copy, it is necessary to print out records. Lebo Attestation, ¶ 7.¹ Accordingly, the County has met its burden of proving that it permissibly provided printed copies.

¹ Under the RTKL, an affidavit or statement made under 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. Off. of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010).

2. Certain records in the possession of CCR are accessible under Section 506(d) of the RTKL

The Requester argues that supplemental materials/attachments that show minimum staffing, availability, wages, and training of CCR staff are accessible through Section 506(d) of the RTKL, as are records related to contracts, agreements, grants, performance audits, and compliance reports in the possession of CCR. Section 506(d) of the RTKL provides that:

A public record that is not in the possession of an agency but is in the possession of a party with whom the agency has contracted to perform a governmental function on behalf of the agency, and which directly relates to the governmental function and is not exempt under this act, shall be considered a public record of the agency...

65 P.S. § 67.506(d)(1). “Under the RTKL, to reach records outside an agency’s possession the following two elements must be met: (1) the third party performs a governmental function on behalf of the agency; and (2) the information sought directly relates to the performance of that function.” *Dental Benefit Providers, Inc. v. Eiseman*, 86 A.3d 932, 939 (Pa. Commw. Ct. 2014) (citation omitted), *aff’d*, 124 A.3d 1214 (Pa. 2015).

The requirement that an agency have a contract with the third party from whom records are sought under Section 506(d) is essential. *See id.* at 1223. A third party performs a governmental function on behalf of an agency where it performs “a function generally performed by that agency and is not ancillary to the agency’s functions.” *Id.* at 939 (citing *SWB Yankees LLC v. Wintermantel*, 45 A.3d 1029, 1044 (Pa. 2012)). This must include the “delegation of some substantial facet of the agency’s role and responsibilities, as opposed to entry into routine service agreements with independent contractors.” *Wintermantel*, 45 A.3d at 1043. The “‘directly relates’ test ... ‘focuses on *what* services are performed and *how* they are performed, not *who* performs them.’” *Allegheny Cnty. Dep’t of Admin. Servs. v. Parsons*, 61 A.3d 336, 347 (Pa. Commw. Ct. 2013) (internal citation omitted) (emphasis in original).

In *Parsons*, the requester sought payroll lists from the third-party contractor of Allegheny County, seeking “the full name of each employee, job position/title, salary and hire date.” 61 A.3d at 340. On appeal, the Commonwealth Court analyzed the connection between the County’s government function and the contractor’s execution of it and found that the contractor was fulfilling a governmental function, but that the records sought did not directly relate to that function. *Id.* at 344. The Court found that the names, dates of birth and hire dates of the contractor’s employees were immaterial both to the agency contract and to the agency’s execution of that contract, and therefore the requested records did not directly relate to that governmental function. *Id.* at 346.

Similarly, in *UnitedHealthcare of Pennsylvania, Inc. v. Baron*, 171 A.3d 943, 964 (Pa. Commw. Ct. 2017), the court rejected the proposition that an agency’s right to review nursing home provider rates made them accessible, holding that to be accessible under Section 506(d)(1), requested information must have “a direct bearing on the third-party contractor’s obligations” under the contract.

In *Pew v. Pennsylvania Department of Corrections* (“*Pew P*”), OOR Dkt. AP 2025-0140, 2025 Pa. O.O.R.D. LEXIS 367, the Department provided a certificate of insurance for a doctor and the names of the insurance companies that insure the doctor and Wellpath, but denied the request for the full names, license numbers, certificates of insurance and related information about the insurance companies for two psychologists and a psychiatrist employed by another healthcare provider that had a contract with the Department. Neither the Department nor the healthcare provider provided any argument explaining why the names, license numbers and insurance information are not related to its contract, and the OOR concluded that the identities, qualifications and insurance of psychologists and psychiatrists providing mental health services to the

Department seemed reasonably related to the Department's duty to maintain inmate health and wellness. Therefore, the OOR was constrained to find that the responsive records were accessible under 65 P.S. § 67.506(d)(1). However, in *Pew v. Pennsylvania Department of Corrections* ("Pew II"), OOR Dkt. AP 2025-1707, 2025 Pa. O.O.R.D. LEXIS 367, evidence established that as in *Parsons*, the requested information related to the contractor's insurance programs offered to its employees; as, it did not directly relate to Wellpath's *performance* of its governmental function—the provision of medical services to inmates.

Here, it is evident from the County's own production that it has a contract with CCR. Further, there is nothing in the record indicating that CCR is not performing a governmental function. The County does not argue that the requested records are not directly related to CCR's performance of a governmental function. Indeed, the County acknowledges that it erroneously assumed that the Requester would submit a request to CCR. However, CCR is a private 501(c)(3) nonprofit corporation, not a local or Commonwealth agency subject to the RTKL. *See* <https://www.ccrinfo.org/who-are-we> (last accessed October 2, 2026); 65 P.S. §§ 67.102, 301-302. CCR's website reflects that it "work[s] in collaboration with other human service agencies to identify needs in the community, and effectively respond to [l]ocate, [c]oordinate, and [m]onitor [s]ervices," including drug and alcohol recovery, among other things. *See* <https://www.ccrinfo.org/how-do-we-help> (last accessed October 2, 2026). Requests for records in CCR's possession must be submitted to the agency that contracts with CCR. 65 P.S. § 67.506(d)(3).

Records related to contracts, agreements, grants, performance audits, and compliance reports are directly related to the performance of a governmental function, as they set forth CCR's obligations under the contract and assess the entity's performance. Similarly, training records

demonstrating the qualifications of the individuals performing the work and that show compliance with the requirements listed in the Pennsylvania Department of Drug and Alcohol Program's Case Management & Clinical Services Manual appear to be reasonably related to the performance of a governmental function. In the absence of any argument to the contrary, the OOR must grant access to these records through Section 506(d) of the RTKL.

However, as in *Parsons*, records showing minimum staffing, availability and wages are related to CCR staff; in other words, they focus on *who* performs the governmental function, and not on *what* services are being performed. Because they cannot be said to directly relate to the performance of a governmental function, these records are not accessible under the RTKL.

For the foregoing reasons, the appeal is **granted in part** and **denied in part**, and the County is directed to produce contracts, agreements, grants, performance audits, compliance reports, and training records that are in the possession of CCR. 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 Schuylkill 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.² 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>.

² *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).

FINAL DETERMINATION ISSUED AND MAILED: October 7, 2026

/s/ Blake Eilers

Blake Eilers, Esq.

Senior Appeals Officer

Delivered via e-file portal to: Nathan Lytle; Lois Lebo