



FINAL DETERMINATION

DATE ISSUED AND MAILED: October 8, 2026

IN RE: *Juliette Rihl and PennLive v. City of Scranton.*, OOR Dkt. AP 2026-3739

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, as well as the parties’ submissions, the appeal is **DENIED** because:

The records do not exist. On September 18, 2026, the City of Scranton (“Scranton”) submitted a verified statement made under the penalties set forth in 18 Pa.C.S. § 4904, relating to unsworn falsifications to authorities from Grace Shaner, the City’s Open Records Officer, who attests that a search was conducted and that no responsive records exist in the City’s possession, custody or control. *See* Shaner Statement, pp. 1-2. Specifically, the Shaner Statement indicates that records do not exist because the City does not utilize a “standard generative AI tool” and, therefore, “there are no records indicating the use of generative artificial intelligence tools” by the City officials identified in the Request. Based upon this evidence, the City demonstrated that it conducted a good faith search for responsive records as required by 65 P.S. § 67.901 and did not locate any. Therefore, based on the evidence provided, the City has met its burden of proof that it does not possess the requested records. *Hodges v. Pa. Dep’t of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

For this reason, the City is not required to take any further action. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Lackawanna 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.¹ 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/ Kelly C. Isenberg

KELLY C. ISENBERG, ESQ.
DEPUTY CHIEF COUNSEL

Sent via OOR E-file Portal to: Juliette Rihl; Grace Shaner, AORO

¹ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).