

FINAL DETERMINATION

DATE ISSUED AND MAILED: October 9, 2026

IN RE: *Michele Whitney and Clinton County Watch Dog, Inc. v. Keystone Central School District*,
OOR Dkt. AP 2026-4037

On September 9, 2026, Michele Whitney (“Requester”) submitted a request (“Request”) to the Keystone Central School District (“District”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* The District did not respond within five business days of receiving the Request, and the Request was, therefore, deemed denied on September 16, 2026. 65 P.S. § 67.901. On September 21, 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 District did not comply with the RTKL by responding to the Request, nor did the District meaningfully participate on appeal by submitting legal argument or evidence in support of withholding records.¹ Accordingly, the District did not meet its burden of proof under the RTKL. 65 P.S. § 67.305.

For this reason, the appeal is **granted**, and the District 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 Clinton 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>.

Issued by:

/s/ Bandy L. Jarosz

BANDY L. JAROSZ, ESQ., APPEALS OFFICER

Sent via portal only to: Michele Whitney; Joni MacIntyre

¹ On October 2, 2026, the District submitted correspondence indicating the Request was received on September 9, 2026. The District further indicated the Request was not denied and a thirty-day extension letter was issued in response to the Request on September 22, 2026; however, said extension letter was not timely issued within five business days and as a result, the Request was deemed denied as outlined herein. See 65 P.S. §§ 67.901, 67.902.

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