pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
QUINN REDDY,	:	
Requester	:	
	:	
v.	:	**Docket No: AP 2026-3109**
	:	
PENNSYLVANIA DEPARTMENT OF AGING,	:	
Respondent	:	

FACTUAL BACKGROUND

On June 23, 2026, Quinn Reddy ("Requester") submitted a request ("Request") to the Pennsylvania Department of Aging ("Department") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking "[p]er 65 P.S. § 67.506(d)" the following "public contractor records held by the Philadelphia Corporation for Aging (PCA) for" an identified residential address on North Marston Street, Philadelphia, PA 19121 ("Property"):

> [Item] 1. All incoming and outgoing agency intake logs, referral sheets, and automated communication routing data associated with…[the Property] from October 1, 2024, through the present date.
>
> [Item] 2. All operational logs, tracking metrics, and case assignment metadata generated by PCA or its state-contracted agents regarding this location for the specified timeframe.

On July 23, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the Department denied the Request, arguing that the requested records do not exist

within its possession, custody or control and/or that it has no legal obligation to obtain them under 65 P.S. § 67.506(d)(1).

On July 30, 2026, the Requester appealed to the Office of Open Records ("OOR"), limiting the appeal to the denial of the sought-after intake and operational logs, and stating grounds for disclosure.[1] Specifically, he argues that the PCA is a state-contracted Area Agency on Aging ("AAA"), performing protective service functions delegated by the Department, and that said records are accessible from the PCA under 65 P.S. § 67.506(d)(1), which should have been obtained by the Department. He further asserts that the Request excludes "confidential reporter identities protected under the" Older Adults Protective Services Act ("OAPSA"), 35 P.S. §§ 10225.101 *et seq*. The OOR invited both parties to supplement the record and directed the Department to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On August 6, 2026, the Department sought an extension of the parties' submission deadline to August 25, 2026. That same day, the OOR informed the parties that, based on the Final Determination due date, the submission period could only be extended to August 17, 2026.

[1] The Requester identified the records at issue in this matter as "non-exempt administrative intake, tracking, and communication logs held by…[the] PCA" and "administrative operational logs, creation dates, and contact logs[.]" Requester Appeal, p. 4. Based on those statements, the Requester has waived all issues concerning the referral sheets and the automated communication routing data sought in Item 1 of the Request, and the tracking metrics and case assignment metadata sought in Item 2, because said records were not specifically identified as being at issue in the Requester's initial appeal filing. *See Pa. Dep't of Corr. v. Off. of Open Records*, 18 A.3d 429 (Pa. Commw. Ct. 2011). While the Requester did identify those records in his August 17, 2026 rebuttal submission, that was outside the fifteen-business day appeal period under 65 P.S. § 67.1101(a)(1). Therefore, the aforementioned referral sheets, automated communication routing data, tracking metrics and case assignment metadata will not be further addressed in this Final Determination. Additionally, to the extent that the Requester is not attempting to modify or expand the Request on appeal to seek tracking logs, communication logs, contact logs and creation dates, such is impermissible and cannot be considered by the OOR on appeal because those records were not expressly sought in the Request. *See, e.g., McKelvey v. Off. of the Att'y Gen.*, 172 A.3d 122, 125 (Pa. Commw. Ct. 2017); *Michak v. Pa. Dep't of Pub. Welfare*, 56 A.3d 925, 930 (Pa. Commw. Ct. 2012). However, nothing in this Final Determination prevents the Requester from submitting a new RTKL request to the Department for any of the above-mentioned records, and, if necessary filing a new appeal with the OOR pursuant to the requirements of 65 P.S. § 67.1101(a).

On August 9, 2026, the Requester filed copies of a separate RTKL request that he submitted directly to the PCA, its response thereto and a submission, reiterating his 65 P.S. § 67.506(d)(1) argument and further asserting that the PCA is not an agency subject to the RTKL. *See* 65 P.S. § 67.102.[2]

On August 17, 2026, the Department submitted a position statement, arguing that the Request is insufficiently specific under 65 P.S. § 67.703 and that it only identifies records held by the PCA. In support of its position, the Department submitted the attestation of its Agency Open Records Officer ("AORO"), Kevin Atkinson ("Atkinson Attestation I").

In response, that same day, the Requester filed a rebuttal with exhibits, reiterating his previous arguments and further asserting, in part, that the Request is sufficiently specific.

On August 19, 2026, the OOR directed the Department to address the 65 P.S. § 67.506(d)(1) argument and to provide a copy of the applicable agreement between the Department and the PCA.

On August 28, 2026, after being provided additional time by the OOR, the Department submitted the Older Adult Services Grant Agreement between the Department and the PCA ("OASG Agreement") and a supplemental position statement, reiterating, in part, its previous

[2] The July 30, 2026 RTKL request submitted to the PCA and the final response thereto are not at issue in this matter; therefore, none of the determinations made in this Final Determination pertain to that request.

arguments.[3] In support of its position the Department submitted the second attestation of Mr. Atkinson ("Atkinson Attestation II").[4]

The OOR extended the deadline for the issuance of the Final Determination in this matter on two occasions, ultimately to October 23, 2026, upon the agreement of the Requester.[5]

LEGAL ANALYSIS

The Department is a Commonwealth agency subject to the RTKL. 65 P.S. § 67.301. Records in the possession of a Commonwealth agency are presumed to be public, unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. As an agency subject to the RTKL, the Department is required to demonstrate, "by a preponderance of the evidence," that records are exempt from public access. 65 P.S. § 67.708(a)(1). Preponderance of the evidence has been defined as "'… such proof as leads the fact-finder … to find that the existence of a contested fact is more probable than its nonexistence.'" *Pa. State Troopers Ass'n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep't of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)). Likewise, "[t]he burden of proving a record does not exist ... is placed on the agency responding to the right-to-know request." *Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011) (citing 65 P.S. § 67.708).

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[3] Additionally, the Department cites to *Pa. State Sys. of Higher Educ. v. Ass'n of State College & Univ. Faculties*, 142 A.3d 1023 (Pa. Commw. Ct. 2016) ("*APSCUF*"), and asks that, in the event that the OOR finds the Request to be sufficiently specific, that it be given "a period of 30 days following the Final Determination to request and obtain [] records from [the] PCA, conduct a document-by document review, and determine whether any of the records are exempt from disclosure under the RTKL, the [OAPSA] and its accompanying regulations, or any other statute or regulation." However, the OOR cannot bifurcate an appeal to first render a decision on specificity, and the Department did not submit sufficient evidence to show that it was entitled to a stay pursuant to *APSCUF* or the Commonwealth Court's decision in *Pa. Off. of Gov. v. Brelje*, 312 A.3d 928 (Pa. Commw. Ct. 2024).

[4] Both of Mr. Atkinson's attestations are made subject to penalties under 18 Pa.C.S. § 4904 and affirm that the factual statements made in the Department's August 17 and 28, 2026 position statements are "true and correct." Atkinson Attestation I, ¶ 11; Atkinson Attestation II, ¶ 18.

[5] *See* 65 P.S. § 67.1101(b)(1) ("Unless the requester agrees otherwise, the appeals officer shall make a final determination which shall be mailed to the requester and the agency within 30 days of receipt of the appeal filed under subsection (a)").

1. The Request is sufficiently specific

On appeal, the Department argues that the Request is insufficiently specific under 65 P.S. § 67.703 because it has a relatively lengthy timeframe and it lacks a sufficient subject matter and scope. The Department further asserts that because the Request is insufficiently specific, it is not able to determine whether the records directly relate to the PCA's obligations under the OASG Agreement and are accessible under 65 P.S. P.S. § 67.506(d)(1).

The Requester contends that the Request is sufficiently specific because it seeks "records by specific physical location, defined electronic data types…and a bounded 22-month timeframe[.]" He further argues that he is the Power of Attorney for his mother, who is currently the "primary resident" of the Property; that he previously served as such for his father, who also resided there and passed away in November 2025; and that the PCA and the Department "have consistently refused to provide internal case numbers, specific file identifiers, or written copies of allegations to the [P]roperty owner and primary caregiver[,]" which has created "an impossible administrative 'Catch-22'" in this matter.

Section 703 of the RTKL provides that "[a] written request should identify or describe the records sought with sufficient specificity to enable the agency to ascertain which records are being requested …." 65 P.S. § 67.703. When determining whether a particular request is sufficiently specific, the OOR uses the nonexclusive, multifactor test employed by the Commonwealth Court in *Pa. Dep't of Educ. v. Pittsburgh Post-Gazette*, 119 A.3d 1121 (Pa. Commw. Ct. 2015). First, "[t]he subject matter of the request must identify the 'transaction or activity' of the agency for which the record is sought[,]" and "should provide a context to narrow the search." *Pittsburgh Post-Gazette*, 119 A.3d at 1125 (quoting 65 P.S. § 67.102; *Montgomery Cnty. v. Iverson*, 50 A.3d 281, 284 (Pa. Commw. Ct. 2012)). Second, "[t]he scope of the request must identify 'a discrete

group of documents, either by type … or by recipient.'" *Pittsburgh Post-Gazette*, 119 A.3d at 1125 (quoting *Carey v. Pa. Dep't of Corr.*, 61 A.3d 367, 372 (Pa. Commw. Ct. 2013)). Finally, "[t]he timeframe of the request should identify a finite period of time for which records are sought." *Id*. at 1126 (citing *Carey*, 61 A.3d at 372).

In this instance, the Department's attestations state that it "is the executive Commonwealth agency responsible for developing and administering the Commonwealth's comprehensive state plan for services and programs for older adults[,]" and that it provides those "services and programs through…AAAs…and other appropriate agencies, organizations, and institutions authorized in accordance with the [federal] Older Americans Act of 1965 ('OAA'), 42 U.S.C. § 3001 *et seq.*, related federal laws, and applicable state laws." Atkinson Attestation II, ¶¶ 10-11. The attestations further assert that the "PCA is the AAA authorized to administer services and programs" under said laws and regulations "for older adults in Philadelphia County[.]" *Id.* at ¶¶ 14-15. The attestations also indicate that "[f]ollowing receipt of the Request, [Mr. Atkinson] consulted with legal counsel and determined that the Request only identified records held by the [PCA][,]" and that [t]he Request was not specific enough to identify what records, if any, were within [the Department's] possession or under its custody or control." Atkinson Attestation I, ¶ 8.

In addition, the Department's August 17, 2026 Position Statement, the facts of which are verified as true and correct by the Atkinson Attestation I, states that although the Request "identifies a particular address, it does not identify the Department 'transaction or activity' concerning that location for which records are sought[,]" such as a particular program or service administered by the Department; a particular referral or intake; an assessment or eligibility determination; a particular inspection, visit, or intervention; a complaint or investigation; or a particular action of a contracted entity. *See* August 17, 2026 Department Position Statement, p. 3;

Atkinson Attestation I, ¶ 11. That position statement further indicates that the Request also lacks sufficient scopes because the descriptions in Items 1 and 2 of the Request "do not identify a particular report, form, database, log, case file, or other distinct class of Departmental records." August 17, 2026 Department Position Statement, p. 3. Additionally, the position statement asserts that the term "operational logs" is "not sufficiently defined to establish the records that are being sought[,]" that Item 2 does not "identify the particular state-contracted agency or agents whose records are sought" and that the term "'[s]tate contracted agents' encompasses multiple potential entities or record custodians." *Id*.

Generally, under the RTKL, a 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); *see also Moore v. Off. of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010). In the absence of any evidence that the Department has acted in bad faith, "… the averments in the [attestations] should be accepted as true." *McGowan v. Pa. Dep't of Envtl. Prot.*, 103 A.3d 374, 382-83 (Pa. Commw. Ct. 2014) (citing *Off. of the Governor v. Scolforo*, 65 A.3d 1095, 1103 (Pa. Commw. Ct. 2013)).

Here, the overarching subject matter of the Request is somewhat broad, in that it does not identify the specific services and programs administered by the PCA to which the records may relate. However, the Request is limited to a single residential address, and the PCA would be aware of what services it rendered in connection with the Property. Therefore, the subject matter of the Request is sufficient to provide a context to help narrow the Department's search. *See Brelje*, *supra* 312 A.3d at 937 ("'[t]here is no bright-line rule absolutely requiring a requester to precisely identify the subject matter of the requested record.'").[6]

[6] On appeal, the Requester alludes to the Request pertaining to his parents and protective services matters; however, that information was not included in the Request, and therefore, it cannot be considered by the OOR at this time.

Further, as noted above, the only records at issue on appeal are "[a]ll incoming and outgoing agency intake logs" associated with the Property and "[a]ll operational logs generated by PCA or its state-contracted agents regarding" that location. Therefore, the Request has clearly defined scopes because it seeks records by type and by generally identifying senders/recipients. Additionally, the Request identifies a finite, almost 21-month timeframe, spanning from October 1, 2024 to June 23, 2026, the date of the Request.[7] Accordingly, based on the *Pittsburgh Post-Gazette* multifactor test, the Request is sufficiently specific under 65 P.S. § 67.703.

2. The responsive records are accessible under 65 P.S. § 67.506(d)(1), but certain information may be redacted

In response to a request for records, "… an agency shall make a good faith effort to determine … whether the agency has possession, custody or control of the identified record[.]" 65 P.S. § 67.901; *see also Uniontown Newspapers, Inc. v. Pa. Dep't of Corr.*, 185 A.3d 1161, 1171-72 (Pa. Commw. Ct. 2018), *aff'd*, 243 A.3d 19 (Pa. 2020) (defining the term "good faith effort" to include the open records officer advising all custodians of potentially responsive records about the request, obtaining all such records from those in possession, contacting agents within its control and reviewing the records to assess their public nature under the RTKL). An agency must show, through detailed evidence submitted in good faith from individuals with knowledge of the agency's records, that it has conducted a search reasonably calculated to uncover all relevant documents. *See Burr v. Pa. Dep't of Health*, OOR Dkt. AP 2021-0747, 2021 PA O.O.R.D. LEXIS 750; *see also Mollick v. Twp. of Worcester*, 32 A.3d 859, 875 (Pa. Commw. Ct. 2011).

Moreover, records in the possession of a third party may also be accessible under Section 506(d)(1) of the RTKL, where the agency has contracted with the third party "to perform a

[7] While the Request identifies the timeframe as "October 1, 2024, through the present date," it can only seek records that existed as of the date of the Request. *See Pa. Dep't of Labor & Indus. v. Tabor*, No. 525 C.D. 2015, 2016 Pa. Commw. Unpub. LEXIS 251 (Pa. Commw. Ct. Mar. 31, 2016).

governmental function on behalf of the agency, *and* [the records] directly relate[] to the governmental function." 65 P.S. § 67.506(d)(1) (emphasis added). 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." *See Dental Benefit Providers, Inc. v. Eiseman*, 86 A.3d 932, 939 (Pa. Commw. Ct. 2014), *aff'd*, 124 A.3d 1214 (Pa. 2015) (citing *SWB Yankees LLC v. Wintermantel*, 45 A.3d 1029, 1044 (Pa. 2012)). In this context, "directly relates" means that the records must be relevant to the third party's performance of its governmental function and have a direct bearing on the contractor's obligations under the contract. *See, e.g., UnitedHealthcare of Pa., Inc. v. Baron*, 171 A.3d 943, 964 (Pa. Commw. Ct. 2017); *Giurintano v. Pa. Dep't of Gen. Servs.*, 20 A.3d 613, 615 (Pa. Commw. Ct. 2011).

As noted above, the Department is responsible for developing and administering the Commonwealth's comprehensive state plan for services and programs for older adults, and it "is the sole Commonwealth agency authorized to receive and disburse federal funds received under the OAA and any state funds made available for the provision of services to older adults." Atkinson Attestation II, ¶¶ 10-13.; *see also* 71 P.S. §§ 581-3(a) (pertaining to the powers and duties of the Department in general). The Department's attestations further reflect that, pursuant to the OASG Agreement, which covers state fiscal year ("SFY") 2025-2026, the PCA is contracted to perform "several governmental functions on behalf of [the Department], such as home delivered meals, congregate meals, senior community centers, transportation, personal care, home support, adult day care, protective services, legal services, and the caregiver support program." Atkinson Attestation II, ¶¶ 14-15; *see also* August 28, 2026 Department Submission, pp. 10-98.[8]

[8] Various prior grant agreements between the Department and the PCA regarding senior community center, employment and nutrition programs are also publicly accessible on the Pennsylvania Department of Treasury's website. *See* https://contracts.patreasury.gov/search.aspx (last accessed Oct. 14, 2026).

Under the OASG Agreement, the PCA must comply with certain Older Adult Services Grant Program ("Program") monthly, quarterly and annual reporting requirements. *See* August 28, 2026 Department Submission, pp. 13, 60-70. In addition, "utilizing accepted procedures," the PCA is required, in part, to "maintain, at its principal offices or place of business, complete and accurate records, including documents, correspondence, and other evidence pertaining to costs and expenses incurred by the [PCA] under th[at] agreement, and reflecting all matters and activities covered by" said agreement "for a period of three years from the expiration or termination date of th[e] agreement…." *Id.* at p. 14. Further, pursuant to the Department's general compliance monitoring and auditing responsibilities, the PCA must provide the Department with copies of and/or access to records related to the OASG Agreement for inspection. *Id.* at pp. 13-14.

As such, the evidence presently before the OOR reflects that the sought-after "incoming and outgoing agency intake logs" and the "operational logs generated by [the] PCA or its state-contracted agents regarding" the Property, to the extent that they exist within the possession of the PCA, would, more likely than not, have a direct bearing on the PCA's obligations under the OASG Agreement. Accordingly, those records are accessible from the PCA under 65 P.S. § 67.506(d)(1), and the Department must conduct a good faith search for such and provide them to the Requester.

Insofar as any such responsive records contain information that is made confidential by the OAPSA and its associated regulations, or any personal identification information that is expressly exempt under 65 P.S. § 67.708(b)(6)(i)(A) or the constitutional right to privacy, PA. CONST. ART. I, § 1, it may be redacted by the Department.[9] To the extent that no such records exist, the

[9] While the Requester asserts that he is entitled to responsive records as his parents' power of attorney, his identity and motivation for seeking the records is irrelevant in determining whether they are accessible under the RTKL. *See e.g., Hunsicker v. Pa. State Police*, 93 A.3d 911, 913 (Pa. Commw. Ct. 2014); *Cafoncelli v. Pa. State Police*, 2017 Pa. Commw. Unpub. LEXIS 405, *9-10 (Pa. Commw. Ct. June 5, 2017) (citations omitted) ("Under the RTKL, a record is either available to the public at large as a public record or it is shielded from disclosure").

Department is required to provide an affidavit or attestation describing its search for those records and affirming their non-existence. *See* 65 P.S. § 67.705. While the Department also argued that the responsive records could be exempt under 65 P.S. §§ 67.708(b)(17)(iv) and (b)(28), it did not provide any evidence to show that those exemptions actually apply in this matter. *See* 65 P.S. § 67.305.

CONCLUSION

For the foregoing reasons, the appeal is **granted**, and the Department is required to conduct a good faith search for all responsive intake and operational logs and to provide them to the Requester within thirty days, or in the alternative, a sworn affidavit or a statement made under the penalty of perjury demonstrating that no such responsive records exist. 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.[10] 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.

FINAL DETERMINATION ISSUED AND MAILED: October 20, 2026

/s/ Megan Burns

MEGAN BURNS
APPEALS OFFICER

Sent via OOR Portal to: Quinn Reddy; Kevin Atkinson, AORO; and Alex Kaplan, Esq.

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