

FINAL DETERMINATION

DATE ISSUED AND MAILED: October 20, 2026

IN RE: *Andre Green v. Phila. Dist. Attorney's Office*; OOR Dkt. AP 2026-4248

On August 14, 2026, Andre Green (“Requester”), an inmate at SCI-Phoenix, submitted a request (“Request”) to the Philadelphia District Attorney’s Office (“Office”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking various records, including communications, notes, transcripts and memoranda, exchanged by Office attorneys pertaining to an identified criminal docket number. On August 21, 2026, the Office invoked a thirty-day extension of time to respond to the Request. *See* 65 P.S. § 67.902(b). Having received no final response from the Office, the Requester filed an appeal with the Office of Open Records (“OOR”) on September 24, 2026, alleging the Request was deemed denied.

Local agencies have the burden of proving that records are exempt from access. 65 P.S. § 67.708(a)(1). Here, despite logging into the OOR’s e-file portal system and viewing the appeal documents, the Office did not participate on appeal by raising grounds for withholding records, asserting that the requested record do not exist, or providing evidence in support of those arguments.¹ Accordingly, the Office did not meet its burden of proof under the RTKL. 65 P.S. § 67.305; *see also Hodges v. Pa. Dep’t of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

For this reason, the appeal is **granted**, the Office 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 Court of Common Pleas of Philadelphia. 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. 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/ Joshua T. Young

JOSHUA T. YOUNG, ESQ.
SENIOR DEPUTY CHIEF COUNSEL

Sent to: Andre Green, GW-2475 (via U.S. Mail); Thomas Gaeta, Esq., AORO (via OOR e-file portal)

¹ Notably, despite the reference to a criminal docket number in the Request, the Office has not raised 65 P.S. § 67.708(b)(16) or otherwise argued that the responsive communications are investigative in nature. For example, Item 3 of the Request includes the criminal docket number but appears to seek a letter written by an Assistant District Attorney on behalf of a named individual in furtherance of the individual’s securing employment.