



**pennsylvania**  
OFFICE OF OPEN RECORDS  
**FINAL DETERMINATION**

**IN THE MATTER OF**

**HENRY BARD,  
Requester**

**v.**

**SPRINGDALE BOROUGH,  
Respondent**

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**Docket No: AP 2026-3523**

**FACTUAL BACKGROUND**

On August 17, 2026,<sup>1</sup> Henry Bard (“Requester”) submitted a request (“Request”) to Springdale Borough (“Borough”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, stating:

This [R]equest is for the date range of Jan[uary] 1, 2024 until the present:

[1] Records sufficient to show emails (with retained metadata and attachments) sent to or by [Borough] Police Chief Derek Dayoub or his relevant staff to or from emails which include @hsi.gov, @ice.dhs.gov, ERO.INFO@ice.dhs.gov, and SEVP@ice.dhs.gov.

[2] Records sufficient to show a roster of officers and other individuals employed by the [Borough] Police Department [(“Department”)].

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<sup>1</sup> The Request was submitted on August 15, 2026, a Saturday, but was not received by the Borough until the next business day, or August 17, 2026, in this instance.

[3] Records sufficient to show emails and metadata and attachments sent to or by [Borough] Police Chief Derek Dayoub or his staff that discuss or mention immigration enforcement.

[4] Records sufficient to show disciplinary logs, or other records which show among other relevant information, officers who have been disciplined, why they were disciplined, and the outcome of investigations into officer conduct.

[5] Records sufficient to show purchases made by, on behalf of, or for [the Department].

[6] [The Department's] rules and regulations (or other applicable document(s)) provided to officers.

[7] Records sufficient to show emails with metadata and attachments retained sent to or from members or employees of [Borough] Police as they relate to William "Danny" Rosenmund.

As the Requester did not receive the Borough's response within five business days of the Request, the Requester filed an appeal with the Office of Open Records ("OOR") on August 25, 2026,<sup>2</sup> claiming that the Request was deemed denied. *See* 65 P.S. § 67.901.<sup>3</sup> The OOR invited both parties to supplement the record and directed the Borough to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On September 17, 2026, the Borough submitted a position statement. The Borough claims that Items 1, 3, 5, and 6 of the Request are insufficiently specific. 65 P.S. § 67.703. The Borough also asserts that records responsive to Item 2 of the Request contain personal identification information, security risks, and would violate the constitutional right to privacy. Although the Borough does not specifically cite to any exemptions, it appears the Borough is invoking 65 P.S.

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<sup>2</sup> The Requester granted the OOR a 30-day extension to issue a final determination. *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).").

<sup>3</sup> The Borough attempted to invoke a thirty-day extension pursuant to 65 P.S. § 67.902(b)(1); however, while the notice was timely dated as August 24, 2026, it was not emailed to the Requester until 9:40 a.m. on August 26, 2026, which makes the extension notice untimely. *See* August 26, 2026 Email; 65 P.S. §§ 67.901, 67.902. On September 9, 2026, the Borough argued that the appeal was premature; however, the OOR notified the parties that based upon the above, the OOR was inclined to find the appeal timely.

§§ 67.708(b)(1)(ii) and (b)(6). The Borough also asserts that records responsive to Item 4 of the Request are exempt as criminal investigative records, noncriminal investigation records, and employment records, but also do not exist. 65 P.S. §§ 67.708(b)(7), (b)(16), (b)(17). Lastly, the Borough claims records responsive to Item 7 of the Request are exempt criminal investigation records. 65 P.S. § 67.708(b)(16). In support of its position, on September 18, 2026, the Borough submitted an attestation made under penalty of perjury<sup>4</sup> authored by Derek Dayoub (“Dayoub Attestation”), the Department’s Chief of Police.

On September 18, 2026, the Requester submitted a response to the Dayoub Attestation, arguing that the Dayoub Attestation does not sufficiently establish that all responsive records are exempt from disclosure.

## **LEGAL ANALYSIS**

The Borough is a local agency subject to the RTKL. 65 P.S. § 67.302. Records in the possession of a local 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 Borough 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)).

### **1. Portions of the Request are insufficiently specific**

The Borough asserts that Items 1, 3, 5 and 6 of the Request are insufficiently specific

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<sup>4</sup> 18 Pa. C.S. § 4904.

pursuant to Section 703 of the RTKL. Section 703 of the RTKL states 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 insufficiently specific, the OOR uses the 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.” *Id.* at 1125 (quoting 65 P.S. § 67.102). Second, “[t]he scope of the request must identify ‘a discrete group of documents, either by type...or by recipient.’” *Id.* (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, supra*). “The timeframe prong is, however, the most fluid of the three prongs, and whether or not the request’s timeframe is narrow enough is generally dependent upon the specificity of the request’s subject matter and scope.” *Id.*

The above factors are intended “to facilitate an analysis in order to determine whether an agency can ascertain which records are being requested....[t]he subject matter, scope, and timeframe of a request are flexible, analytical elements, not evidentiary requirements.” *Pa. Dep’t of Health v. Shepherd*, No. 377 C.D. 2021, 2022 Pa. Commw. Unpub. LEXIS 207 \*6-7 (Pa. Commw. Ct. 2022), *appeal denied*, No. 334 MAL 2022, 2022 Pa. LEXIS 1862 (Pa. 2022). Finally, we must analyze the entirety of a request, as it is possible that portions of a request are insufficiently specific, while other portions provide sufficient guidance. *See Pa. State Police v. Office of Open Records*, 995 A.2d 515, 517 (Pa. Commw. Ct. 2010) (noting “the valid part of the request was included in a laundry list of requested materials”).

Here, Items 1 and 3 of the Request reference emails, metadata, and attachments; however, the Items broaden the scopes beyond just those items by instead seeking “[r]ecords sufficient to show” those types of records. Based upon this verbiage, we cannot find that Items 1 and 3 merely seek emails, metadata, and attachments. Instead, they appear to seek something else.<sup>5</sup> Item 1 of the Request does not contain a subject matter, while Item 3 contains a broad one – “immigration enforcement.”

Item 5 of the Request seeks records “sufficient to show” purchases made by the Borough Police Department. While it is possible that some types of responsive records can be inferred, again, the Item seeks “[r]ecords sufficient to show.” Further, there is a broad subject matter. Further, the time period here is almost three years, which is lengthy, particularly in consideration with the lack of scope and subject matter. Chief Dayoub confirms that the Borough Police Department purchases multitudes of items from hundreds of vendors for various purposes, and his office would be forced to guess what records would be responsive. Dayoub Attestation ¶¶ 26-27.

Finally, Item 6 of the Request seeks “all rules and regulations” provided to Borough Police Officers. Chief Dayoub attests that the Borough Police Department has dozens of various policies that provide rules and regulations, and it is impossible to know what the Requester is seeking based upon the Request. *Id.* ¶¶ 30-31. However, Chief Dayoub clearly is familiar with the policies and regulations of the Borough Police Department and is able to identify several policies in his

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<sup>5</sup> Even if we could ignore the “[r]ecords sufficient to show” language, Items 1 and 3 do not sufficiently limit senders and recipients. While Item 3 of the Request identifies the requested records by type - emails, attachments, and metadata - it does not identify any particular authors, senders or recipients of those records. Likewise, Item 1 of the Request broadly seeks records between any Department employee with anyone with an identified email domain. *See Montgomery County v. Iverson*, 50 A.3d 281,284 (Pa. Commw. Ct. 2012) (concluding a request which “does not identify specific individuals, email addresses, or even departments, but requests any applicable emails sent from the [agency’s] domain to four other domains” was insufficiently specific); *see also Pittsburgh Post-Gazette*, 119 A.3d at 1125-26 (A request for a broad category of documents, such as all records, may be sufficiently specific if confined to a particular recipient or recipients).

attestation. *Id.* ¶ 30. This demonstrates that Chief Dayoub has an understanding of what records would be responsive to Item 6 of the Request. In certain situations, the ability to identify responsive records may indicate that a request is sufficiently specific. *See Easton Area Sch. Dist. v. Baxter*, 35 A.3d 1259, 1265 (Pa. Commw. Ct. 2012) (noting that “the request was obviously sufficiently specific because the School District has already identified potential records included within the request”), *appeal denied*, 54 A.3d 350 (Pa. 2012); *Pa. Dep’t of Health v. Shepherd*, 2022 Pa. Commw. Unpub. LEXIS 207, \*7 (Pa. Commw. Ct. May 13, 2022) (“an agency’s demonstrated ability to identify responsive records is a strong indication that a request was sufficiently specific.”) (internal citation omitted). Simply because there are numerous responsive records does not make the request insufficiently specific. As such, Item 6 of the Request is sufficiently specific and these records shall be provided to the Requester.

However, as currently written, especially by using the phrase “sufficient to show”, Items 1, 3, and 5 of the Request place an unreasonable burden on the Borough to review all potentially responsive records for approximately three years, and to make judgment calls as to the relation of those documents to the Request. *See Legere*, 50 A.3d at 264-65 (explaining that a request that would require an agency to review all potentially responsive files without knowing, with sufficient specificity, to what agency business or activity the request is related and to make judgments as to the relation of the documents to the specific request would be insufficiently specific); *see also Mollick v. Twp. of Worcester*, 32 A.3d 859, 871 (Pa. Commw. Ct. 2011) (“[I]t would place an unreasonable burden on an agency to examine all its emails for an extended time period without knowing, with sufficient specificity, to what [agency] business or activity the request is related”).

Therefore, based on the *Pittsburgh Post-Gazette* multifactor test, without additional limiting factors as to subject matter or scope, Items 1, 3, and 5 of the Request do not enable the

Borough to ascertain what records are actually being requested. *See* 65 P.S. § 67.703. Accordingly, Items 1, 3, and 5 of the Request are insufficiently specific in their entirety. However, nothing in this Final Determination prevents the Requester from submitting a more specific RTKL request to the Borough for the same information, and if necessary, filing a new appeal with the OOR pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

## **2. The Borough failed to prove records threaten personal security of an individual**

The Borough argues that the disclosure of a roster of Borough police officers and other staff members would threaten personal security of an individual. Section 708(b)(1)(ii) of the RTKL exempts from disclosure a record that “would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual.” 65 P.S. § 67.708(b)(1)(ii). To establish that this exemption applies, an agency must show: (1) a “reasonable likelihood” of (2) “substantial and demonstrable risk” to a person’s security. *Del. Cnty. v. Schaefer*, 45 A.3d 1149 (Pa. Commw. Ct. 2012). “Reasonably likely” has been interpreted as “requiring more than speculation.” *Carey v. Pa. Dep’t of Corr.*, 61 A.3d 367, 375 (Pa. Commw. Ct. 2013); *see also California Borough v. Rothery*, 185 A.3d 456 (Pa. Commw. Ct. 2018) (holding that an agency must “offer more than speculation or conjecture to establish the security-related exceptions under the [RTKL]”).

In support of this position, the Dayoub Attestation indicates that Borough Police Officers, including Chief Dayoub himself, have been and continue to be doxxed by Anti-ICE groups because of the Borough Police Department’s 287(g) agreement with the federal Department of Homeland Security. Dayoub Attestation ¶ 15. A member of social media has actively sought Chief Dayoub’s personal home address. *Id.* ¶ 16. Chief Dayoub believes that providing roster information only

increases the ability of members of the public who seek to harm officers and their families by using that information to find home addresses, children's names, schools and the like. *Id.* at ¶ 17.<sup>6</sup>

Under the RTKL, public employees' names and positions are generally subject to public access. *See* 65 P.S. § 67.708(b)(6)(ii); *see also Pa. State Police v. McGill*, 83 A.3d 476, 480 (“Absent particularized concerns about the personal security of an individual, the General Assembly has made the policy decision [that this information is subject to disclosure]”). However, “[a]n agency may redact the name or other identifying information relating to an individual performing an undercover or covert law enforcement activity from a record.” 65 P.S. § 67.708(b)(6)(iii).

In the present matter, the Borough argues that the identification of their police officers<sup>7</sup> would threaten their personal safety, due to increased scrutiny and doxxing efforts. While the OOR understands the risks faced by law enforcement throughout the Commonwealth, officer rosters are public records subject to disclosure. Taken to its logical extreme, the Borough's argument that all officers' names are exempt from disclosure would, in effect, make the identities of law enforcement in police departments throughout the Commonwealth exempt from disclosure because the public would know where those officers work. Such a result would be contrary to the intent of the RTKL. *See McGill*, 83 A.3d at 480 (“[The PSP] contends that the names of all police officers or the amount budgeted by a public entity for public safety should not be disclosed. That position is wrong for several reasons”); *see also Mahoney v. Pa. State Police*, OOR Dkt. AP 2013-

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<sup>6</sup> Under the RTKL, a sworn affidavit or 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); *Moore v. Office of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010). In the absence of any evidence that the Borough has acted in bad faith, “the averments in [the attestation] should be accepted as true.” *McGowan v. Pa. Dep't of Envtl. Prot.*, 103 A.3d 374, 382-83 (Pa. Commw. Ct. 2014) (citing *Office of the Governor v. Scolforo*, 65 A.3d 1095, 1103 (Pa. Commw. Ct. 2013)).

<sup>7</sup> It is noted that the Borough does not even address the request for *all* employee rosters of the Department and only asserts security issues regarding the officers.

1327, 2013 PA O.O.R.D. LEXIS 778 (granting access to “[t]he current working trooper complement assigned to the Uniontown barracks”). Further, there is no evidence that the rosters contain any information beyond names, and any argument that the names alone can be used for other nefarious purposes is speculative. Therefore, the Borough has not met its burden of proving that the requested Police Department rosters are exempt from disclosure in their entirety because their release would threaten every employee’s personal security.

**3. The Borough proved records responsive to Item 4 of the Request do not exist in its possession, custody or control**

The Borough asserts that records responsive to Item 4 of the Request do not exist in its possession, custody or control. 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. While the RTKL does not define the term “good faith effort,” in *Uniontown Newspapers, Inc. v. Pa. Dep’t of Corr.*, the Commonwealth Court stated:

As part of a good faith search, the open records officer has a duty to advise all custodians of potentially responsive records about the request, and to obtain all potentially responsive records from those in possession...When records are not in an agency’s physical possession, an open records officer has a duty to contact agents within its control, including third-party contractors...After obtaining potentially responsive records, an agency has the duty to review the records and assess their public nature under...the RTKL.

185 A.3d 1161, 1171-72 (Pa. Commw. Ct. 2018) (citations omitted), *aff’d*, 243 A.3d 19 (Pa. 2020). 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).

Here, Chief Dayoub indicates that an essential duty as Chief of Police is to impose any discipline on his officers or refer the officers to Borough Council for discipline. Dayoub Attestation ¶ 19. Under the Borough Code, the Mayor has limited ability to discipline officers, but that also would be coordinated with him, as Chief of Police. *Id.* ¶ 20. Therefore, Chief Dayoub has personal knowledge that none of the officers of the Borough have received any discipline during the time frame set forth in the Request. *Id.* ¶ 21. Chief Dayoub also maintains files on each officer which would contain the requested disciplinary records, and upon review of those files, no records exist that are responsive to Item 4 of the Request. *Id.* ¶¶ 22-23.

There has been no sufficient evidence provided that otherwise contradicts the statements offered by the Borough in the affidavit submitted. *See Pa. Dep't of Health v. Mahon*, 283 A.3d 929 (Pa. Commw. Ct. 2022). Thus, based upon the evidence presented, the Borough has proven by a preponderance of the evidence that records responsive to Item 4 of the Request do not exist in the Borough's possession, custody or control.<sup>8</sup> *See* 65 P.S. § 67.708(a).

#### **4. The Borough proved records responsive to Item 7 of the Request may relate to a criminal investigation**

The Borough asserts that records responsive to Item 7 of the Request are not subject to public access in their entirety because they consist of criminal investigative records. 65 P.S. § 67.708(b)(16). The OOR does not have jurisdiction to hear appeals related to criminal investigative records held by local law enforcement agencies. *See* 65 P.S. § 67.503(d)(2). Instead, such appeals are to be heard by an appeals officer designated by the local district attorney. *See id.*

In the instant matter, Chief Dayoub indicates Item 4 of the Request involves communications regarding William “Danny” Rosenmund, who was involved in a criminal

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<sup>8</sup> The Borough's alternative grounds for exemption need not be addressed further herein, as the Borough has established that responsive records do not exist within the possession, custody or control of the Borough.

investigation in which criminal charges were filed and then later withdrawn by the District Attorney. Dayoub Attestation ¶ 32. Chief Dayoub confirms that records responsive to Item 7 of the Request all relate to the initial investigation that resulted in criminal charges being filed. *Id.* ¶¶ 33-34.

While the Requester asserts that the Borough has not shown how every responsive email would be related to the criminal investigation, the OOR is without jurisdiction to provide such an analysis. Accordingly, for the records responsive to Item 7 withheld under Section 708(b)(16) of the RTKL, the appeal is hereby transferred to the Appeals Officer for the Allegheny County District Attorney's Office. A copy of this final order and the appeal filed by the Requester will be sent to the Appeals Officer for the Allegheny County District Attorney's Office.<sup>9</sup>

### CONCLUSION

For the foregoing reasons, the appeal is **granted in part, denied in part** and **transferred in part** to the Appeals Officer for the Allegheny County District Attorney's Office. The Borough is required to provide responsive rosters and to search for responsive records to Item 6 of the Request and provide all responsive records to the Requester within thirty days. 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 Allegheny 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

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<sup>9</sup> The Commonwealth Court has noted that the OOR has the authority to transfer an appeal to "where [a requester] should have initially appealed." *See Phila. Dist. Attorney's Office v. Williams*, 204 A.3d 1062, \*4 n.5 (Pa. Commw. Ct. 2019) ("... [A]lthough the onus for appealing from an RTKL denial to the proper appeals officer is on the requester, the OOR did not violate the law or any procedure in redirecting the appeal in this case").

and should not be named as a party.<sup>10</sup> All documents or communications following the issuance of this Final Determination shall be sent to [oor-postfd@pa.gov](mailto: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 27, 2026**

*/s/ Julie Sodl*

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APPEALS OFFICER  
JULIE SODL

Sent via E-File Portal to: Henry Bard  
Craig Alexander, Esq.  
Patrick J. Bono, AORO

Sent via First-Class Mail to: Allegheny County District Attorney's Office Appeals Officer

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<sup>10</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).