



FINAL DETERMINATION

IN THE MATTER OF	:
	:
EVAN ROBERT WOOD,	:
Requester	:
	:
v.	: Docket No: AP 2026-4334
	:
PENNSYLVANIA STATE POLICE,	:
Respondent	:
	:

On August 14, 2026, Evan Robert Wood (“Requester”) submitted a request (“Request”) to the Pennsylvania State Police (“PSP”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking nine enumerated items of various records related to the Requester’s March-May 2026 accommodation request and the May 9, 2026, LEOT 4019 selection step, from the dates of March 1, 2026, through June 2, 2026.

On September 21, 2026, following an extension of time to respond, 65 P.S. § 67.902, the PSP denied the Request in full, stating that the records were exempt as the employment application of an individual not hired by the agency, 65 P.S. § 67.708(b)(7)(iv), as noncriminal investigation records, 65 P.S. § 67.708(b)(17), and as records reflecting internal, predecisional deliberations, 65 P.S. § 67.708(b)(10)(i)(A). In addition, four items of the Request were not in the possession, custody, or control of the PSP. 65 P.S. § 506(d)(1).

On October 5, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”), challenging the denials and stating grounds for disclosure. The OOR invited both parties to supplement the record and directed the PSP to notify the OOR if any third parties have a direct interest in this appeal. 65 P.S. § 67.1101(c).

On October 26, 2026, the PSP submitted its position statement, supported by the verification of William Rozier (“Rozier Verification”), Agency Open Records Officer (“AORO”).

Based upon my review of the appeal and evidence, I make the following conclusions of law and findings of fact:

- The PSP properly withheld responsive records to Items 1, 2, 7 and 9 of the Request. The Rozier Verification states that the PSP contacted the PSP Office of Human Resources, PSP Equal Employment Office, PSP Office of the Chief Counsel and PSP Bureau of Liquor Control Enforcement for responsive records. Rozier Verification, ¶7. Responsive records for Items 1, 2, 7, and 9 of the Request contained in the Employment Application file of the Requester were provided by the PSP Office of Human Resources. *Id.* at ¶8. The PSP Office of Chief Counsel and PSP Bureau of Liquor Control Enforcement did not have responsive records. *Id.* at ¶7.
- The responsive records to Items 1, 2, 7 and 9 of the Request are exempt under Section 708(b)(17) of the RTKL as these are records of a noncriminal background investigation conducted by the PSP to determine the Requester’s employment eligibility. Rozier Verification, ¶9. 65 P.S. § 67.708(b)(17).
- The responsive records to Items 1, 2, 7 and 9 of the Request are also exempt under Section 708(b)(7)(iv) of the RTKL as materials submitted as part of the Requester’s

unsuccessful employment application. Rozier Verification, ¶10. 65 P.S. § 67.708(b)(7)(iv). The Requester was not hired by the agency. Rozier Verification, ¶10.

- The responsive records to Items 1, 2, 7 and 9 of the Request are also exempt under Section 708(b)(10)(i)(A) of the RTKL as records containing internal agency communications made prior to and regarding the PSP’s eventual decision to disqualify the Requester from consideration, as well as internal predecisional deliberations of an agency related to the Requester’s appeals of his disqualification. Rozier Verification, ¶11. 65 P.S. §708(b)(10)(i)(A).
- The Requester argues that non-exempt portions of responsive records must be released. However, “where a record falls within an exemption under Section 708(b), it is not a public record as defined by the RTKL and an agency is not *required* to redact the record . . .” *Pa. State Police v. Office of Open Records*, 5 A.3d 473, 481 (Pa. Commw. Ct. 2010); *Castillo v. State Police*, OOR Dkt. AP 2022-0301, 2022 PA O.O.R.D. LEXIS 855, *aff’d*, 310 A.3d 831, 835 (Pa. Commw. Ct. 2024).
- With respect to Items 3, 4, 5, 6, and 8 of the Request, Mr. Rozier verifies that the PSP Human Resources Office and the PSP Equal Employment Opportunity Office conducted a comprehensive search for responsive records to this portion of the Request and none were found. Rozier Verification, ¶11. The PSP has met its burden of proof by a preponderance of the evidence that the records do not exist and it is not required to create a record. 65 P.S. § 67.705; *Hodges v. Pa. Dep’t of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

For the foregoing reasons, the appeal is **denied** and the PSP is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal or petition for review 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.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>.

FINAL DETERMINATION ISSUED AND MAILED: October 29, 2026

/s/ Meryl M. Peterman

MERYL M. PETERMAN, ESQ.
APPEALS OFFICER

Sent via OOR E-file appeal portal to: Evan Robert Wood
Colin Hitt, Esq.
William Rozier (AORO)

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