pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

DATE ISSUED AND MAILED: November 2, 2026

IN RE: *Trent Zank v. Sharpsville Borough*, OOR Dkt. AP 2026-4225

On August 21, 2026., 2026 Trent Zank ("Requester") submitted a request ("Request") to Sharpsville Borough ("Borough") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*, seeking only police records. Following a 30-day extension, the Borough did not issue a final response, and the Request was, therefore, deemed denied on September 28, 2026. 65 P.S. § 67.901. On September 29, 2026, the Requester filed an appeal with the Office of Open Records ("OOR"). The Borough did not make any submission on appeal, but on October 7, 2026, it sent the Requester a letter notifying him that all the records were in the possession of the Sharpsville Borough Police Department, a separate agency.

Local agencies have the burden of proving that records are exempt from access. 65 P.S. § 67.708(a)(1). Here, the Borough did not comply with the RTKL by timely responding to the Request, nor did it participate on appeal by submitting legal argument or evidence in support of withholding records.[1] Accordingly, the Borough did not meet its burden of proof under the RTKL. 65 P.S. § 67.305.

For this reason, the appeal is **granted**, the 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 the Borough's possession, custody, or control. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Mercer 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/ *Jordan Davis*

JORDAN C. DAVIS

[1] The OOR notes that although the Borough has not demonstrated that it conducted a good faith search for responsive records or that no responsive records exist in the Borough's possession, this Final Determination does not and cannot direct the Borough to provide records in another agency's possession. To the extent the Requester seeks records not in the Borough's possession, custody, or control, he must file an RTKL request with that agency directly.
[2] *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).

DEPUTY CHIEF COUNSEL

Sent via OOR portal to: Trent Zank; Kenneth Robertson