Pennsylvania
Office of Open Records

Pennsylvania Office of Open Records
555 Walnut Street, Suite 605
Harrisburg, PA 17101-1925
717-346-9903 | openrecords.pa.gov

FINAL DETERMINATION

DATE ISSUED AND MAILED: November 3, 2026

IN RE: *Jason Basham v. Allegheny County Controller's Office*, OOR Dkt. AP 2026-4665

Upon review of the appeal filed with the Office of Open Records ("OOR") to the above-referenced docket number, the appeal is **DENIED** because:

The records are exempt from disclosure. The Request seeks a recording or transcript of a 911 call. Section 708(b)(18) of the Right-to-Know Law exempts from disclosure "[r]ecords or parts of records, except time response logs, pertaining to audio recordings, telephone or radio transmissions received by emergency dispatch personnel, including *911 recordings*." 65 P.S. § 67.708(b)(18)(i) (emphasis added). The decision to release a 911 recording or transcript is within the discretion of the agency. 65 P.S. § 67.708(b)(18)(ii). While the Allegheny County Controller's Office ("Office") did not respond to the Request or otherwise participate on appeal, the Request, on its face, seeks records that are exempt from disclosure under the RTKL and may only be disclosed if the Office determines the public interest in disclosure outweighs the interest in nondisclosure. *Id*. Therefore, based upon the plain language of the Request, the 911 call recording and/or transcript s, insofar as they exist, are exempt from disclosure.[1] *See Pa. Game Comm'n v. Fennell*, 148 A.3d 101 (Pa. Commw. Ct. 2016) (holding that the OOR must consider uncontradicted statements contained in the appeal as evidence); *Office of the Governor v. Davis*, 122 A.3d 1185, 1193-194 (Pa. Commw. Ct. 2015) (*en banc*) (holding that an affidavit may be unnecessary when the exemption is clear from the face of the record).

For this reason, the Office is not required to take any further action. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with 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 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 via OOR e-file portal to: Jason Basham; Agency Open Records Officer

[1] Notably, the Requester's appeal documents do not explain why he believes the Office would possess copies of a 911 call recording or any transcript thereof. Furthermore, if not found to be exempt under the RTKL, the requested records are likely to be protected from disclosure under the Emergency Communications Services Act, 35 Pa.C.S. § 5399.