pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
EMILY MCCORMICK,	:	
Requester	:	
	:	
v.	:	**Docket No.: AP 2026-4779**
	:	
SWATARA TOWNSHIP,	:	
Respondent	:	

The Office of Open Records ("OOR") received the above-captioned appeal under the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*. For the following reasons, the appeal is dismissed.

On October 15, 2026, Emily McCormick ("Requester") submitted a request ("Request") to Swatara Township ("Township") pursuant to the RTKL, seeking community benefit agreements ("CBA") or related Memoranda of Understanding "approved, signed, or voted upon by the Swatara Township Board of Commissioners on October 7, 2026, regarding data center projects…". The Request specifically names the "Highlands West" and "Highlands East" developments as two such projects. Having not received a response from the Township within five business days, the Requester filed an appeal with the OOR on October 23, 2026, alleging that the Request was deemed denied. *See* 65 P.S. § 67.901. The OOR invited both parties to supplement the record and directed the Township to notify any third parties of their ability to participate in this appeal. 65 P.S. § 67.1101(c).

On November 5, 2026, the Township submitted a position statement and separate correspondence which included copies of two fully executed CBAs for the Highlands projects. The Township explains that the CBAs were not fully executed until November 4, 2026, and, as such, no responsive records existed when the Request was filed. However, since that time, the CBAs were executed and copies of the same were provided to the Requester. Therefore, based upon our review of the CBAs provided to the Requester, and because the Requester has not made any arguments to the contrary, the appeal is **dismissed as moot**. *See Kutztown Univ. of Pa. v. Bollinger*, 2019 Pa. Commw. Unpub. LEXIS 521 (holding that an appeal is properly dismissed as moot where no controversy remains).

The file is now closed and no further action will be taken. This Final Determination is binding on the parties. Within thirty days of the mailing date of this Final Determination, either party may appeal to the Dauphin 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 Section 1303 of the RTKL. However, 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 OOR website at: http://openrecords.pa.gov.

FINAL DETERMINATION ISSUED AND MAILED: 6 November 2026

/s/ Joshua T. Young

JOSHUA T. YOUNG, ESQ.
SENIOR DEPUTY CHIEF COUNSEL

Sent via OOR e-file portal to: Emily McCormick; E. Max Bell, Esq.; Julia Yuengling, AORO