pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
BRIAN KENNEDY,	:	
Requester	:	
	:	
v.	:	**Docket No: AP 2026-4189**
	:	
TREDYFFRIN TOWNSHIP POLICE DEPARTMENT,	:	
Respondent	:	

FACTUAL BACKGROUND

On September 2, 2026, Brian Kennedy ("Requester"), an inmate at SCI-Greene, submitted a request ("Request") to the Tredyffrin Township Police Department ("Department") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*, seeking records that reflect:

> "…the hire date; training periods; hired position; employment application; resumes; complaints; private criminal complaints; final actions that resulted in demotion, promotion, and/or discharge; letter of reference or recommendation prepared in relation to appointment of an office; disciplinary records; commendations; accreditations and yearly salary from their date of hire until 8-28-2026, along with all statements made to the media, information given to the press, and all social media post, including but not limited to text, photographs and video that mentions directly or indirectly, Brian Kennedy, Stephanie Miller, and/or Norrin Kennedy" for several named officers.

On September 8, 2026, the Department denied the Request, arguing that records relate to a criminal investigation, 65 P.S. § 67.708(b)(16), and constitute exempt records of Department employees, 65 P.S. § 67.708(b)(7). Additionally, the Department argues that it "did not utilize

social media at that time and after a search we have no press releases from that timeframe." Finally, the Department notes that any video or photographic information is not subject to the RTKL and would require payment prior to their release should they exist.

On September 21, 2026, the Requester filed an appeal with the Office of Open Records ("OOR"), arguing that the Request was deemed denied because he had not received a copy of the Department's final response.[1] The OOR invited both parties to supplement the record and informed the Department that notice to third parties may be necessary, 65 P.S. § 67.1101(c).

On October 13, 2026, the Department submitted a Final Determination from the Appeals Officer for the Chester County District Attorney's Office ("District Attorney's Office"), addressing an appeal of several of the Requester's RTKL requests, including the instant Request. Also on October 13, 2026, the Department submitted a date-stamped copy of the Request, as well as a copy of its final response thereto, into the evidentiary record. Following a review of these records, the OOR directed the Department to provide supplemental evidence regarding its claim that records are exempt under 65 P.S. § 67.708(b)(7).

On October 27, 2026, the Department submitted a position statement, reiterating its arguments above, and further arguing that the Requester owes outstanding fees from prior RTKL requests and that the requested personnel records include exempt personal identification information. 65 P.S. § 67.708(b)(6)(i)(A), (C). The Department also clarified that it was denying "the second portion of the Request for 'all statements made to the media; information given to the press and all social media post, including but not limited to, text, photographs, and video that mentions directly or indirectly, Brian Kennedy, Stephanie Miller and/or Norris Kennedy" because the records do not exist. In support of its arguments, the Department also submitted an attestation,

[1] On October 13, 2026, the Department submitted a date-stamped copy of the Request, as well as a copy of its final response to the Request, into the record.

made subject to the penalties set forth in 18 Pa.C.S. § 4904, from James. C. Slavin ("Slavin Attestation"), the Department's Open Records Officer.

On November 9, 2026, in response to the OOR's request for additional information, the Department submitted a supplemental attestation from Mr. Slavin ("Supplemental Slavin Attestation"), detailing the unpaid fees owed by the Requester from prior RTKL requests.

The Requester did not submit any additional legal argument or evidence during the appeal.

LEGAL ANALYSIS

The Department 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 Department is required to demonstrate, "by a preponderance of the evidence," that records are exempt from public access. 65 P.S. § 67.708(a)(1).

An agency may deny access to public records where a requester has failed to pay fees incurred in response to a prior request for records. 65 P.S. § 67.901 (stating that "[a]ll applicable fees shall be paid in order to receive access to the record requested"); *see also Pa. Dep't of Transp. v. Drack*, 42 A.3d 355, 363 (Pa. Commw. Ct. 2012); *Brown v. Pa. Dep't of Corr.*, 2017 Pa. Commw. Unpub. LEXIS 920 (Pa. Commw. Ct. 2017). In this case, the Department denied the Request, arguing that the Requester owes outstanding duplication fees related to the Department's production of records in response to at least three prior RTKL requests. Supplemental Slavin Attestation, ¶ 3. Assistant Open Records Officer Slavin affirms that the Department informed the Requester of the duplication and certification costs associated with each RTKL request, which amounted to $733.41. *Id.* Furthermore, Mr. Slavin confirmed that, to date, none of the outstanding fees have been paid. *Id.* Based upon the evidence presented, the contents of which the Requester

has not disputed, the OOR finds that the Department was permitted to deny the Request due to the Requester's failure to pay outstanding fees. As such, the OOR will not address the Department's other grounds for denying the Request.

CONCLUSION

For the foregoing reasons, the appeal is **denied**, and the Department is not required to take any further action. Within thirty days of the mailing date of this Final Determination, any party may appeal or petition for review to the Chester 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.

FINAL DETERMINATION ISSUED AND MAILED: 10 November 2026

/s/ Joshua T. Young

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JOSHUA T. YOUNG, ESQ.
SENIOR DEPUTY CHIEF COUNSEL

Sent to: Brian Kennedy, QP-5476 (via U.S. Mail);
Patrick M. McKenna, Esq. and James C. Slavin, AORO (via OOR e-file portal)