pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
EMILY MCCORMICK,	:	
Requester	:	
	:	
v.	:	**Docket No: AP 2026-4780**
	:	
SWATARA TOWNSHIP,	:	
Respondent	:	

FACTUAL BACKGROUND

On October 15, 2026, Emily McCormick ("Requester") submitted a request ("Request") to Swatara Township ("Township") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking:

> Any and all records of communications—including but not limited to emails, email attachments, text messages, letters, calendar invites, and written memoranda—from January 1, 2024, through the present date, regarding any proposed, potential, or unfinalized data centers or digital infrastructure projects within Swatara Township. This request applies to all communications sent, received, or copied by any Swatara Township Commissioner, Planning Commission member, Township Solicitor, or Township Manager/administrative staff.
>
> To capture unfinalized or unnamed projects, this search is to include any records containing any of the following terms or phrases in the subject line, body, or attachments: 'data center', 'datacenter', 'server farm', 'digital infrastructure', 'substation upgrade', 'PPL switchyard' 'Corscale', 'Patrinely', 'Highlands East', 'Highlands West', 'Dauphin Highlands', 'Highland Street parcel', or 'Community Benefits Agreement'. This request explicitly includes all early-stage pitches, preliminary site inquiries, pre-application discussions, and draft agreements that have not yet been finalized or brought to a public vote.

Having received no 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, explaining that the Request was unintentionally deemed denied and arguing that the Request is insufficiently specific under Section 703 of the RTKL. 65 P.S. § 67.703. In support of its argument, the Township also submitted an attestation, made subject to the penalties set forth in 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities), from Julia Yuengling, the Township's Open Records Officer. The Requester did not submit additional legal argument or evidence during the appeal.

LEGAL ANALYSIS

The Township denied the Request as insufficiently specific. 65 P.S. § 67.703. When determining whether a particular request is sufficiently specific, the OOR undertakes a nonexclusive, multi-factor test, considering "the extent to which the request specifies subject matter, the extent to which it defines the scope of the records it seeks, and the extent to which it limits the timeframe of the request." *Pa. Off. of the Governor v. Brelje*, 312 A.3d 928, 937 (Pa. Commw. Ct. 2024) (citing *Pa. Dep't of Educ. v. Pittsburgh Post-Gazette*, 119 A.3d 1121 (Pa. Commw. Ct. 2015)). The test is not "a conjunctive, bright-line rule requiring each 'element' of the test to be satisfied; rather, it [is] a flexible approach" consistent with relevant caselaw. *Id*.

A review of the Request shows that the scope is broad, implicating all communications "sent, received, or copied" by any Township Commissioner, Planning Commission member, the Township Manager and administrative staff members, and the Township Solicitor, and seeks

records for a timeframe of more than thirty (30) months. While the Request includes a general subject matter to guide the Township's search (i.e., data centers or digital infrastructure projects within the Township), the term "regarding" broadens the scope in this instance and requires the Township to make judgment calls as to whether the records are responsive. *See Pa. Dep't of Envtl. Prot. v. Legere*, 50 A.3d 260, 265 (Pa. Commw. Ct. 2012) (finding that a request requiring an agency to review all potentially responsive files and "make judgments as to the relation of the documents to the specific request" would be insufficiently specific). Furthermore, the inclusion of a list of keywords in this instance does not sufficiently narrow the potential universe of records given the lengthy timeframe, broad scope of records, and the otherwise general nature of the subject matter. *See In re: Mazin*, 2025 Pa. Commw. Unpub. LEXIS 190 (Pa. Commw. Ct. 2025) (concluding that, although the subject matter of the request was well-known to the agency, the request failed to identify any particular record and included expansive language which expanded the potential universe of records significantly, putting the agency in the position of having to make judgment calls regarding some of the records); *but see Office of the Governor v. Engelkemier*, 148 A.3d 522, 532-33 (Pa. Commw. Ct. 2016) (holding that a records request including a lengthy keyword list satisfied the specificity test due to the narrow timeframe and scope—emails from a single individual for a period of approximately five months). Accordingly, when considering each of the factors described above, we find that the Request is insufficiently specific.[1]

CONCLUSION

For the foregoing reasons, the appeal is **denied**, and the Township 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 to the Dauphin County Court of

[1] Nothing in this Final Determination precludes the Requester from submitting a more detailed RTKL request with the Township.

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 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 OOR website at: http://openrecords.pa.gov.

FINAL DETERMINATION ISSUED AND MAILED: 13 November 2026

/s/ Joshua T. Young

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JOSHUA T. YOUNG, ESQ.
SENIOR DEPUTY CHIEF COUNSEL

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