pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
JOHN SHAPIRO,	:	
Requester	:	
	:	
v.	:	**Docket No.: AP 2026-4874**
	:	
LOWER SAUCON TOWNSHIP,	:	
Respondent	:	

FACTUAL BACKGROUND

On October 26, 2026, John Shapiro ("Requester") submitted a request ("Request") to Lower Saucon Township ("Township") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking various records regarding a police incident.[1] On October 28, 2026, the Township denied the Request, arguing that the requested records relate to a noncriminal investigation, 65 P.S. § 67.708(b)(17), and are protected from disclosure by the Criminal History Record Information Act ("CHRIA"), 18 Pa.C.S. § 9106(c)(4).[2]

Also on October 28, 2026, the Requester filed an appeal with the Office of Open Records ("OOR"), challenging the denial and stating grounds for disclosure. Moreover, the Requester challenges the applicability of the exemptions raised by the Township, the Township's evidence

[1] The Request did not include a name and, instead, identified the Requester as "Anonymous"; however, the Township responded, denying the Request. On appeal, the Requester identifies himself as John Shapiro.
[2] The Township's response also references the "police-blotter exception" to 65 P.S. § 67.708(b)(16) but does not explicitly raise the exemption as a reason to withhold records.

in support thereof, and the fact that the Township failed to provide him with redacted records pursuant to 65 P.S. § 67.706. The OOR invited both parties to supplement the record and directed the Township to notify the OOR if any third parties have a direct interest in this appeal. 65 P.S. § 67.1101(c).

On November 12, 2026, the Township submitted a position statement, reiterating its grounds for denial, and further arguing that certain responsive records contain exempt personal identification information, 65 P.S. § 67.708(b)(6)(i)(A), individually identifiable medical information, 65 P.S. § 67.708(b)(5), and personal information subject to the constitutional right to privacy. The Township also provided the Requester with responsive records located by the Township during a supplemental search for records from which information was redacted pursuant to Sections 708(b)(6) and 708(b)(17). In support of its arguments, the Township submitted the attestation, made subject to the penalties set forth in 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities), from Christopher Leidy, a Lieutenant with the Township Police Department ("Department").

LEGAL ANALYSIS

As a preliminary matter, in its position statement, the Township explains that, during a supplemental search of records responsive to the Request, the Township identified several additional responsive records other than the police incident report initially denied within its final response to the Request. In its document log, the Township identifies the responsive records as follows: a police incident report relating to suspicious activity (RMS Report No. 2026102506126), a two-page CAD Export Report, a Dispatch Record (R&R), the Department Public Work Schedule, an email from the responding Officer, and the responding Officer's Handwritten Daily

Log. With the exception of the police report, the records were provided to the Requester in redacted form, with redactions made pursuant to the arguments set forth above.[3]

1. The Township has proven that portions of records relate to a noncriminal investigation.

With respect to the police incident report and other records redacted as noncriminal investigative records, Section 708(b)(17) of the Right-to-Know Law exempts from disclosure "a record of an agency relating to a noncriminal investigation, including: [i]nvestigative materials, notes, correspondence and reports" and "[a] record that, if disclosed, would … [r]eveal the institution, progress or result of an agency investigation [or c]onstitute an unwarranted invasion of privacy…." 65 P.S. § 67.708(b)(17)(ii), (vi)(A), (vi)(C). The Leidy Attestation and accompanying documentation confirm that the records relate to an investigation of suspicious activity involving a Black BMW SUV and whether the vehicle was authorized to be present on and conducting the activity observed at a construction site. Leidy Attestation, ¶¶ 10-11; Township Submission dated November 12, 2026, Exhibit A-1. The Leidy Attestation explains that the investigation included questioning the individual, checking vehicle-registration information, and obtaining independent verification from a representative of the property owner. Leidy Attestation, ¶ 11. Because these investigative steps did not result in the imposition of charges, the Officer's inquiry was treated as noncriminal. *Id.* at ¶ 12. Finally, with respect to the Officer's email to himself, the Leidy Attestation affirms that the email contains investigative information prepared for later incorporation into the investigative police report, which is common practice where "duties prevent immediate entry of a report…." *Id.* at 13. Based upon the evidence presented, the Township has met its burden of proving that the police incident report, as well as the body of the Officer's email, constitutes noncriminal investigative information concerning a noncriminal investigation

[3] Copies of the redacted records were also provided to the OOR for review.

conducted by the Officer, and may, therefore, be withheld from disclosure. *See* 65 P.S. § 67.708(a)(1).

2. The Township may redact personal identification information and individually identifiable health information from the records.

The Township is permitted to redact medical information, personnel and employee numbers, driver's license numbers, and personal telephone numbers from the records. Section 708(b)(6) of the RTKL exempts certain personal identification information from public disclosure, including driver's license numbers, personal telephone numbers, and employee numbers or other confidential personal identification numbers. 65 P.S. § 67.708(b)(6)(i)(A). Similarly, the Township's submission explains that individual identifiable health information was redacted from the Daily Work Schedule. *See* 65 P.S. § 67.708(b)(5). While the Leidy Attestation does not directly address these redactions, the Township's position statement and Document Log generally describe the types of medical personal identification information redacted from the records, which is confirmed when reviewing the redacted records themselves.[4] *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, 1194 (Pa. Commw. Ct. 2015) (*en banc*) (finding that an affidavit may be unnecessary when an exemption is clear from the face of the record).

[4] While the Township is less clear about the type(s) of medical information redacted from the Daily Work Schedule, any medical information contained therein would constitute individually identifiable health information, as the names of each employee are included on the document next to their work status. Furthermore, with respect to the redaction of non-responsive information, to date, the Requester has not submitted argument or evidence challenging these redactions or otherwise suggested that he desired the non-responsive information to be disclosed; therefore, the OOR need not address the redactions or the Township's alternative grounds for redacting the information.

CONCLUSION

For the foregoing reasons, the appeal is **denied in part** and **dismissed as moot in part**, 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, either party may appeal to the Northampton 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 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 website at: http://openrecords.pa.gov.

FINAL DETERMINATION ISSUED AND MAILED: 17 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: John Shapiro;
Steven N. Goudsoudzian, Esq., AORO and Lt. Christopher Leidy