pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
NOAH BRYFOGLE,	:	
Requester	:	
	:	
v.	:	**Docket No: AP 2026-4096**
	:	
WEATHERLY BOROUGH POLICE DEPARTMENT,	:	
Respondent	:	

On August 5, 2026, Noah Bryfogle ("Requester") submitted a request ("Request") to the Weatherly Borough ("Borough") Police Department ("Department") pursuant to the Right-to-Know Law ("RTKL"),[1] 65 P.S. §§ 67.101 *et seq*., seeking:

> [Item] 1. Any records confirming whether the…[Department] [] owns, leases, or has otherwise entered into any agreement for automated license plate reader (ALPR) technology, including but not limited to any Flock Safety device(s), located at or near the intersection of Hudsondale Street and Maple Street.
>
> [Item] 2. Any agreement, contract, master service agreement, or license agreement (including any amendments) between [the Department] and Flock Group Inc. (d/b/a Flock Safety).
>
> [Item] 3. Records sufficient to identify the exact location (address, intersection, or GPS coordinates) of any ALPR camera(s) owned, leased, or operated by or on behalf of [the Department].

[1] A similar RTKL request, dated August 1, 2026, was emailed to the Borough; however, the Borough informed the Requester that it was misdirected, and instructed him to file a request with the Department. *See* Requester Appeal, pp. 15-19. The Requester's initial appeal filing also contains a response and two pages of records related to an RTKL request that was submitted to the Franklin Township Police Department. *Id.* at pp. 8-10. However, those two requests are not actually at issue here, and they will not be further addressed in this Final Determination.

> [Item] 4. Any written policy, standard operating procedure, or protocol governing the use, access, retention, or sharing of ALPR data collected by [the Department].
>
> [Item] 5. Records of any data-sharing agreements or network-sharing settings permitting other law enforcement agencies (local, state, or federal) to access ALPR data collected by [the Department's] camera(s).
>
> [Item] 6. Audit logs or usage reports reflecting queries or searches run on the ALPR system by [Department] personnel, from the date of camera installation through the date of this [R]equest.
>
> [Item] 7. Records of any security incidents, data breaches, unauthorized access, or misuse investigations involving [the Department's] ALPR system.
>
> [Item] 8. Invoices, purchase orders, or proof-of-payment records reflecting costs paid to Flock Safety for installation, licensing, or maintenance of the camera(s) referenced above.

On August 12, 2026, the Department invoked a thirty-day extension to respond; however, as the Department did not respond within the extension period, the Request was deemed denied on September 11, 2026. *See* 65 P.S. § 67.902(b)(2).

On September 15, 2026, after an inquiry from the Requester, the Department informed him that copies of the responsive records could be picked up in person. On September 16, 2026, the Requester obtained those records at a cost of $8.75.[2]

On September 22, 2026, the Requester appealed to the Office of Open Records ("OOR"), limiting the appeal to Items 3-8 of the Request and the redactions made to the disclosed records, and stating grounds for disclosure. Specifically, the Requester argued that the Department failed to meet its burden of proof under the RTKL, and that additional records responsive to Items 3-8 may exist and would be accessible from Flock Safety under 65 P.S. § 67.506(d)(1). The OOR

[2] The disclosed records include partially redacted copies of a Flock Government Agency Agreement; the February 22, 2022 Services Agreement Order Form; the August 30, 2024 Amendment; a March 30, 2022 Flock site-survey scheduling email; Flock invoices INV-8006, INV-13548, INV-29218 and INV-34309 and payment records, covering from January 6, 2023-February 23, 2024; a payment receipt for INV-8006; an September 2023 email chain with Flock concerning several invoices the Department had received; and a Flock installation manual. *See* Requester Appeal, pp. 25-68.

invited both parties to supplement the record and directed the Department to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On October 16, 2026, the OOR informed the parties that it had no record of receiving a submission in support of the Department's position on appeal, and we extended the submission period to October 21, 2026.

On October 19, 2026, the Department disclosed six pages of data, which appear to be responsive to Items 3 and 6 of the Request.

On October 20 and 30, 2026, the OOR directed the Department to submit competent evidence, providing details of its search for responsive records and clarifying, in part, the significance of said data, whether any responsive records were withheld and the Department's bases for partially redacting the disclosed records, by November 4, 2026.[3] To date, the Department has not further supplemented the record or sought additional time to do so.

Based upon my review of the appeal and evidence, I make the following conclusions of law and findings of fact:

- During the pendency of this matter, the Department disclosed six pages of responsive data. Therefore, the appeal is dismissed as moot, insofar as it relates to that information. *See Chester Water Auth. v. Pa. Dep't of Cmty. & Econ. Dev.,* 249 A.3d 1106, 1114 (Pa. 2021) (finding that a matter was settled by provision of records, and thus, "the controversy has been mooted").
- The Department did not present any argument or raise any grounds for partially redacting the disclosed records, nor did it submit any evidence showing that it

[3] On October 22, 2026, upon the agreement of the Requester, the OOR extended the deadline for the issuance of the Final Determination in this matter to December 4, 2026. *See* 65 P.S. § 67.1101(b)(1) ("Unless the requester agrees otherwise, the appeals officer shall make a final determination which shall be mailed to the requester and the agency within 30 days of receipt of the appeal filed under subsection (a)").

conducted a good faith search. *See* 65 P.S. § 67.901 ("[A]n agency shall make a good faith effort to determine if the record requested is a public record…and whether the agency has possession, custody or control of the identified record").[4] Accordingly, the Department has not met its burden of proving that it was permitted to redact the disclosed records, or that no additional responsive records exist within its possession, custody or control. *See* 65 P.S. § 67.708(a)(1). Therefore, the Department is directed to conduct a good faith search for any additional records responsive to Items 3-8 of the Request and to provide them to the Requester. To the extent that no such records exist, the Department is required to provide an affidavit or attestation describing its search for those records and affirming their nonexistence. *See* 65 P.S. § 67.705. Additionally, the Department must unredact the previously disclosed records and provide them to the Requester. However, to the extent that those redactions consist of information that is either expressly exempt under 65 P.S. § 67.708(b)(6)(i)(A) or the constitutional right to privacy, it may remain redacted.[5] Such information may also be redacted from any additional records responsive to Items 3-8 of the Request.

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[4] *See also Uniontown Newspapers, Inc. v. Pa. Dep't of Corr.*, 185 A.3d 1161, 1171-72 (Pa. Commw. Ct. 2018), *aff'd*, 243 A.3d 19 (Pa. 2020) (defining the term "good faith effort" to include the open records officer advising all custodians of potentially responsive records about the request, obtaining all such records from those in possession, contacting agents within its control and reviewing the records to assess their public nature under the RTKL). Further, pursuant to 65 P.S. § 67.506(d)(1), records in the possession of a third party may be accessible where the agency has contracted with the third party "to perform a governmental function on behalf of the agency, *and* [the records] directly relate[] to the governmental function." *Id.* (emphasis added).

[5] Based upon a review of the disclosed records and without supporting evidence, it is unclear whether all of the redactions were permissible. Notably, public employees' names and positions are generally subject to public access. *See* 65 P.S. § 67.708(b)(6)(ii). Further, organizational or agency-issued email addresses that have been out to the public are not exempt under the RTKL. *See Shepherd v. Pa. Off. of the Governor*, OOR Dkt. AP 2025-1185, 2026 PA O.O.R.D. LEXIS 884. Additionally, bank routing numbers and the account numbers of government agencies and businesses are not "personal financial information" under 65 P.S. § 67.708(b)(6)(i)(A). *See, e.g., Monaghan v. Lycoming Cnty.*, OOR Dkt. AP 2025-3834, 2026 PA O.O.R.D. LEXIS 721, *7 (explaining that bank routing numbers are public because banks post their routing number on their webpages and regularly hold the numbers out to the public) (citations omitted); *Monaghan v. Lycoming Cnty.*, OOR Dkt. AP 2025-3834, 2026 PA O.O.R.D. LEXIS 721 at *6-7

For the foregoing reasons, the appeal is **granted in part, denied in part** and **dismissed as moot in part**, and the Department is required within thirty days to: (1) unredact all information from the disclosed records that does not constitute personal identification information under 65 P.S. § 67.708(b)(6)(i)(A) or the constitutional right to privacy, and provide it to the Requester; and (2) provide any additional records responsive to Items 3-8 to the Request, or in the alternative, a sworn affidavit or a statement made under the penalty of perjury demonstrating that the Department conducted a good faith search and that no such responsive records exist. 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 Carbon 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.[6] 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: November 25, 2026

/s/ Megan Burns

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MEGAN BURNS
APPEALS OFFICER

Sent via OOR Portal to: Noah Bryfogle; and Chief Michael Bogart, AORO

(finding that a private payer's, which appeared to be a LLC, bank account numbers were neither "'personal financial information[,]' nor 'personal identification information,'" under Section 708(b)(6)(i)(A) because "[a] company's bank account number is *not* unique to a particular individual and *is* shared in common with others….")) (emphasis in original).

[6] *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).