Pennsylvania
Office of Open Records

Pennsylvania Office of Open Records
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DATE ISSUED AND MAILED: **November 25, 2026**

IN RE: *Neil Khare v. Southern Chester County Regional Police Department*; OOR Dkt. AP 2026-4941

On October 19, 2026,[1] Neil Khare ("Requester") submitted a request ("Request") to the Southern Chester County Regional Police Department ("Department") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking records related to an "October 16, 2026 custody pickup incident[.]" *See* Request. That same day, the Department granted the Request, providing a "copy of the report." On November 2, 2026, the Requester filed an appeal with the Office of Open Records ("OOR"), claiming that not all responsive records were provided.[2]

Local agencies have the burden of proving that records are exempt from access. 65 P.S. § 67.708(a)(1). Here, the Department did not comply with the RTKL by participating on appeal by submitting legal argument or evidence.[3] Accordingly, the Department did not meet its burden of proof under the RTKL. 65 P.S. § 67.305.

For this reason, the appeal is **granted**,[4] and the Department is required to provide the requested records to the Requester within thirty days, or, in the alternative, a sworn affidavit or a statement made under the penalty of perjury demonstrating that additional responsive records do not exist. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with 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.[5] 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.

Issued by:

/s/ *Lyle Hartranft*

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LYLE HARTRANFT, ESQ.
APPEALS OFFICER

Sent via OOR Portal to: Neil Khare; Berenice Jauregui, AORO

[1] The Request is dated October 16, 2026, a Saturday; however, it was received by the Department on October 19, 2026.
[2] The Requester "does not seek audio or video recordings under Act 22."
[3] Notably, the OOR sent the notice of appeal to the Department's AORO's email address that was used on the Department's final response.
[4] Based upon the subject matter of the records, it is possible that another fact-finder, with additional evidence, might come to a different conclusion.
[5] *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).