

FINAL DETERMINATION

DATE ISSUED AND MAILED: February 22, 2020

IN RE: *Keesha Haywood v. Department of Revenue*, OOR Dkt. AP 2021-0345

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, it is determined that the appeal is **DISMISSED** because:

The OOR lacks jurisdiction. A request under the Right-to-Know Law must seek records. *See* 65 P.S. § 67.703; see also 65 P.S. § 67.102 (defining “Record”). Requesters may appeal to the OOR “[i]f a written request for access to a record is denied or deemed denied.” 65 P.S. § 67.1101(a)(1). Here, the request does not seek any records, but instead includes information about a concern and ends with “please advise.” The OOR does not have jurisdiction over such matters.

For this reason, the Department is not required to take any further action. Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review in Commonwealth Court. 65 P.S. § 67.1301(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. 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.¹

Issued by:

/s/ Kyle Applegate

Appeals Officer
Kyle Applegate, Esq.

Sent to: Requester, Agency Open Records Officer

¹ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).