

FINAL DETERMINATION

DATE ISSUED AND MAILED: April 14, 2021

IN RE: *Anthony Diodoro v. Pa. Department of Corrections*, OOR Dkt. AP 2021-0771

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 appeal is untimely. The Request was received by the Department on September 10, 2019. The Department timely denied the request. Appeals of denied Right-to-Know requests must be filed within 15 business days of the denial. *See* 65 P.S. § 67.1101(a)(1). Appeal was postmarked April 5, 2021. Requester is not prohibited from making a new request for these records and, if necessary, filing a new appeal pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

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 with 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/ Joshua Young

Joshua Young
Assistant Chief Counsel

Sent to: Requester; Agency Open Records Officer

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