

FINAL DETERMINATION

DATE ISSUED AND MAILED: January 14, 2022

IN RE: *Daniel Prince v. Philadelphia District Attorney's Office*, OOR Dkt. AP 2022-0024

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, as well as the January 13, 2022 position statement submitted by the Philadelphia District Attorney’s Office (“Office”), it is determined that the appeal is **DISMISSED** because:

The appeal is untimely. The Office denied the request on December 1, 2021. Appeals of denied Right-to-Know requests must be filed within 15 business days of the mailing date of the agency’s response, or by December 28, 2021 in this instance.¹ *See* 65 P.S. § 67.1101(a)(1). The appeal was filed on December 29, 2021.² The 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 Office 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 the Philadelphia 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. 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.³

Issued by:

/s/ Kathleen A. Higgins

Kathleen A. Higgins
Deputy Chief Counsel

Sent to: Daniel Prince, LP-8954 (via U.S. Mail);
Simran Dhillon (via email only);
Joshua B. Niemtow, Esq. (via email only)

¹ While the response is dated December 1, 2021, the Requester submitted a copy of a postmarked envelope from the Office, which indicated a mailing date of December 6, 2021.

² The appeal was received by the OOR on January 3, 2022; however, it was postmarked December 29, 2021. Therefore, pursuant to the “prisoner mailbox rule,” the appeal is considered filed as of December 29, 2021. *See Commonwealth v. Jones*, 700 A.2d 423, 426 (Pa. 1997).

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