pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
JOEL MUIR,	:	
Requester	:	
	:	
v.	:	**Docket No.: AP 2022-0039**
	:	
PENNSYLVANIA DEPARTMENT OF	:	
CORRECTIONS,	:	
Respondent	:	

On December 10, 2021, Joel Muir ("Requester"), an inmate at SCI-Phoenix, submitted a request ("Request") to the Pennsylvania Department of Corrections ("Department") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking, in pertinent part, a DC-300B Commitment Form. On December 14, 2021, the Department denied the Request, arguing that the record is a judicial record. On December 30, 2021,[1] the Requester appealed to the Office of Open Records ("OOR").

On January 18, 2022, the Department submitted a position statement, arguing that the requested DC-300B Commitment Form is a record of a judicial agency, and is therefore, not subject to disclosure under the RTKL. *See* 65 P.S. § 67.102 (defining "record"). In support of its position, the Department relies on *Philadelphia District Attorney's Office v. Stover*, 176 A.3d 1024

[1] The appeal was received by the OOR on January 5, 2022; however, it was postmarked December 30, 2021. Therefore, pursuant to the "prisoner mailbox rule," the appeal is considered filed as of December 30, 2021. *See Commonwealth v. Jones*, 700 A.2d 423, 426 (Pa. 1997).

(Pa. Commw. Ct. 2017). In *Stover,* the Commonwealth Court held that a DC-300B Commitment Form is a judicial record. *Id.* Therefore, as the requested record is a judicial record, it is not subject to public disclosure under the RTKL. *See also* 42 Pa.C.S. § 9764(a) (explaining that a "DC-300B [is] generated from the Common Pleas Criminal Court Case Management System of the unified judicial system" and provided to the Department upon an inmate being committed).

For the foregoing reasons, the Requester's appeal is **denied**, and the Department is not required to take any further action. 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 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 as per Section 1303 of the RTKL. 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.[2] This Final Determination shall be placed on the OOR website at: https://openrecords.pa.gov.

FINAL DETERMINATION ISSUED AND MAILED: January 21, 2022

/s/ Kathleen A. Higgins

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Sent to: Joel Muir, GB3985 (via U.S. Mail only)
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[2] *See Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).