



pennsylvania

OFFICE OF OPEN RECORDS

Erik Arneson, Executive Director

OOR Annual Training

November 7, 2019

<https://openrecords.pa.gov>

[@ErikOpenRecords](#)

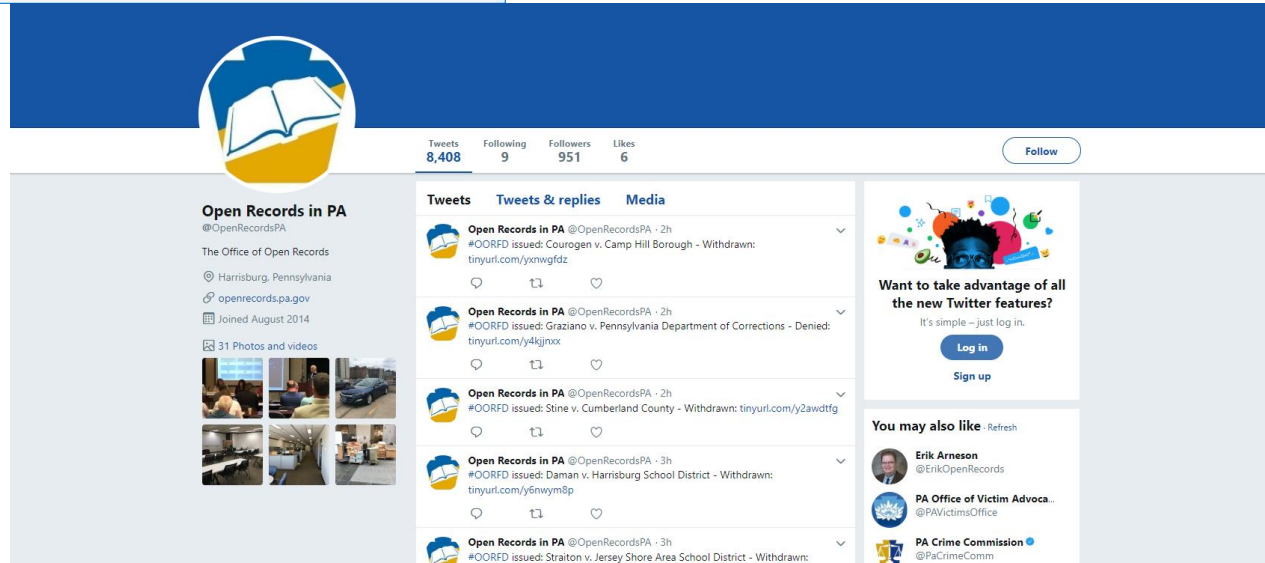
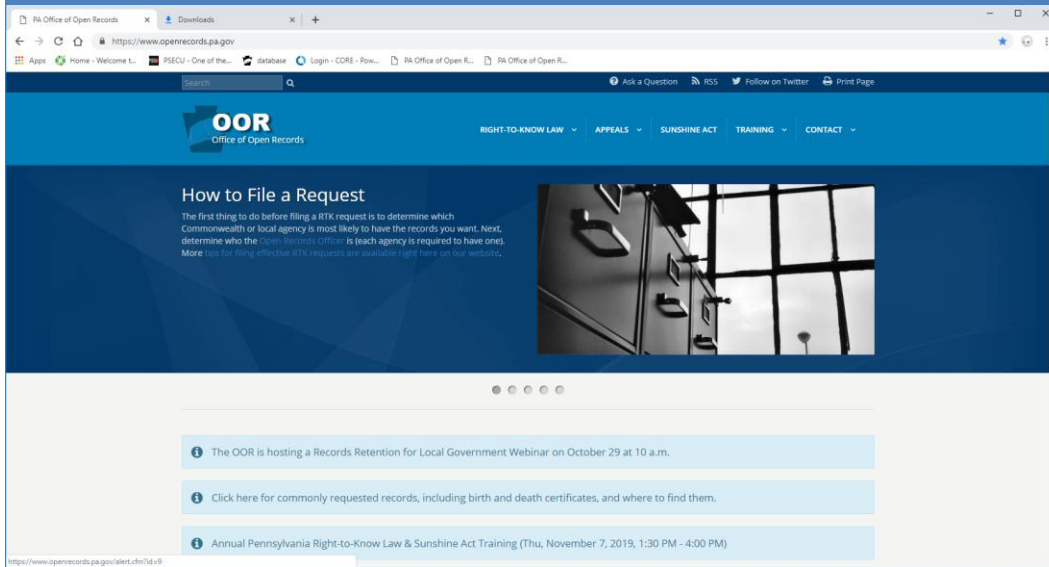
[@OpenRecordsPA](#)

earneson@pa.gov

(717) 346-9903

Submit questions for panel discussion at
openrecords@pa.gov

Introduction



Introduction

Submit questions for panel
discussion at
openrecords@pa.gov



pennsylvania

OFFICE OF OPEN RECORDS

George Spiess, Training Coordinator

OOR Annual Training

November 7, 2019

<http://openrecords.pa.gov>

gespiess@pa.gov

(717) 346-9903

Submit questions for panel discussion at
openrecords@pa.gov

Is It a Meeting?

- Is there a quorum?
(members can “phone in”)
- Is there deliberation?
- Is there decision making?
- Beware of email meetings and Social Media commenting!

What is Not a Meeting?

- Work Sessions, Conferences, Retreats, etc...
- Communication is one way (reports from staff)
- There is no deliberation
- There is no decision making

Who is Covered?

- Applies to any state or local government body
- and all committees
- that perform an essential government function
- and exercises authority to take official action
- Making recommendations = official action

Public Notice

- Three days in advance of the first regular meeting of the year, along with all of the remaining meetings
- Legal notice in a *paid* newspaper of general circulation
 - newspaper *articles* don't count
 - websites don't count
 - sales circulars don't count
- Posted at the meeting site

Public Notice continued

- Special Meetings (not previously scheduled) = 24 hours advance notice
- Emergency Meetings = no notification required, but you can't "create" your emergency
- No notification requirement for cancellations

Public Comment

- Commenters can be limited to residents and taxpayers
- Right to comment on issues that are or may be before the board (before any pertinent votes)
- Board may establish *reasonable* rules for public comment (time limits, spokespersons, specific v. general)

Executive Sessions

- Can be held before, during, or after an open meeting, or announced for some future time
- *Complete* reason must be announced during the open meeting (Reading v. Reading Eagle)
- No requirement for minutes
- No official action can be taken during an Executive Session – votes must occur in a public session

Executive Sessions II

Allowable Reasons for Executive Sessions:

- Personnel matters (hiring, firing, discipline)
- Discussing labor negotiations
- Considering purchasing, leasing or selling property
- Consulting with counsel about litigation
- Avoiding violating privilege or confidentiality
- Discussing university admission standards
- Discuss emergency preparedness

Violations

- The public can object to a perceived violation at any time during the meeting
- Agencies can “cure” violations
- Complaints = public has 30 days to go to court to seek legal relief, or to a District Attorney to investigate alleged criminal intent
- Meetings can be voided
- Fines are paid by the officials, not the agency

Miscellaneous

- Must produce meeting minutes recording board attendance and who voted for and against
- No requirement for an agenda
- Public can record public meetings *unannounced*
- Agency recordings and minutes are public records



pennsylvania

OFFICE OF OPEN RECORDS

Charles Rees Brown, Chief Counsel

OOR Annual Training

November 7, 2019

<http://openrecords.pa.gov>

charlebrow@pa.gov

(717) 346-9903

Submit questions for panel discussion at
openrecords@pa.gov

Agencies

Section 102, 65 P.S. § 67.102 (defines agencies)

Pysher v. Clinton Twp. Vol. Fire Co., 209 A.3d 1116 (Pa. Commw. Ct. 2019)

WNEP-TV v. Clinton Twp. Vol. Fire Co., 212 A.3d 145 (Pa. Commw. Ct. 2019) (unreported)

Contractor records

Section 506(d)(1), 65 P.S. § 67.506(d)(1) (records in the possession of contractors)

Equity Forward v. Pa. Dep't of Human Servs., No. 225 C.D. 2018 (Pa. Commw. Ct. 2019) (unreported)

Coroner's records

Section 708(b)(20), 65 P.S. § 67.708(b)(20) (coroner records)

Coroner's Act, 16 P.S. § 1201-B *et seq.*

Walker v. County of Lancaster, No. CI-18-09547
(Lancaster C.C.P. Aug. 23, 2019)

Donation records

Section 708(b)(13), 65 P.S. § 67.708(b)(13) (donation records)

California Univ. of Pa. v. Bradshaw, 210 A.3d 1134 (Pa. Commw. Ct. 2019)

Educational records

Federal Educational Rights and Privacy Act (“FERPA”),
20 U.S.C. § 1232g

West Chester Univ. of Pa. v. Rodriguez, No. 1078 C.D.
2018 (Pa. Commw. Ct. 2019) (unreported)

Internal, predecisional deliberative records

Section 708(b)(10)(i)(A), 65 P.S. § 67.708(b)(10)(i)(A)

Finnerty v. Pa. Dep't of Comm. & Econ. Dev., 208 A.3d 178 (Pa. Commw. Ct. 2019)

Finnerty v. Pa. Dep't of Comm. & Econ. Dev., 208 A.3d 219 (Pa. Commw. Ct. 2019) (unreported)

Judicial records

Section 102, 65 P.S. § 67.102 (defines judicial agencies)

Section 304, 65 P.S. § 67.304 (obligations of judicial agencies)

Section 503(b), 65 P.S. § 67.503(b) (judicial appeals officers)

Phila. Dist. Attorney's Office v. Williams, 204 A.3d 1062 (Pa. Commw. Ct. 2019)

Fees & Penalties

Section 1304, 65 P.S. § 67.1304 (court costs and attorney fees)

Section 1304, 65 P.S. § 67.1305 (civil penalties)

The Scranton Times-Tribune v. City of Scranton, No. 2019-CV-3668 (Lackawanna C.C.P. Aug. 13, 2019)

Warren v. State Ethics Comm'n, 199 A.3d 521 (Pa. Commw. Ct. 2018)

Right to Privacy

Pa. Constitution, Article 1, § 1

Governor's Office of Admin. v. Campbell, 202 A.3d 890
(Pa. Commw. Ct. 2019)

Pa. Liquor Control Bd. v. Beh, Nos. 91, 153 C.D. 2018
(Pa. Commw. Ct. 2019)

Procedural Matters

Crocco v. Pa. Dep't of Health, 214 A.3d 316 (Pa. Commw. Ct. 2019) (waiver)

Mission Pa. v. McKelvey, 212 A.3d 119 (Pa. Commw. Ct. 2019) (supplementing the evidentiary record/staying OOR appeal)

County of Berks v. Office of Open Records, 204 A.3d 534 (Pa. Commw. Ct. 2019) (*in camera* review of records)

Procedural Matters cont.

Vu v. Pa. Bd. of Prob. & Parole, 200 A.3d 627 (Pa. Commw. Ct. 2018) (extending the time to issue a final determination)

Brown v. Pa. Dep't of Health, 201 A.3d 312 (Pa. Commw. Ct. 2018) (unreported) (actual receipt of records)

Cases to look out for next year...

Uniontown Newspapers, Inc. v. Pa. Dep't of Corr., 76 MAP 2019 (Pa.) (fees & penalties)

Easton Area Sch. Dist. v. Miller, 13 MAP 2019 (Pa.) (FERPA/bus video)

Central Dauphin Sch. Dist. v. Fox43 News, 16 MAL 2019 (Pa.) (FERPA/bus video)

Pa. State Police v. ACLU, 66 MAP 2018 (Pa.) (*in camera* review)

Submit questions for panel discussion at
openrecords@pa.gov

Cases con't

Pa. Liquor Control Bd. v. Burns, No. 1159 C.D. 2019 (Pa. Commw. Ct.) (liquor licenses)

Lehigh Area Sch. Dist. v. Campbell, No. 2019-0421 (Carbon C.C.P.) (procedural due process)

County of Adams v. Office of Open Records, et al., No. 2019-SU-907 (Adams C.C.P.) (procedural due process)



pennsylvania

OFFICE OF OPEN RECORDS

Delene Lantz, General Counsel

OOR Annual Training

November 7, 2019

<http://openrecords.pa.gov>
Nbyerly@pa.gov; Dlantz-Joh@pa.gov
(717) 346-9903

Submit questions for panel discussion at
openrecords@pa.gov


OOR Regulations


- Updated draft regs on website
- Proposed Rulemaking Steps
 - Internal process
 - Attorney General/Office of Budget
 - Legislative Committees/Legislative Reference Bureau/ Internal Regulatory Review Commission
 - Public Comment period





OOR Appeal Portal

The OOR Appeal portal is an online docketing records management system designed to streamline and automate the appeals process. Appeals filed and all submissions to the OOR are accessible in real time and allow the requestor, the agency and the Appeals Officers to file, receive and have access to documents and submissions.

Filing a new appeal

Search 


 **OOR**
Office of Open Records


[RIGHT-TO-KNOW LAW](#)  [APPEALS](#)  [SUNSHINE ACT](#) [TRAINING](#)  [CONTACT](#) 

[How to File an Appeal](#)
[Mediation Program](#)
[Procedural Guidelines](#)
[In Camera Review Process](#)
[Final Determinations](#)
[Enforcing a Final Determination](#)
[Petitions for Reconsideration](#)

How to File an Appeal

All appeals must be made in writing and must be submitted to the Office of Open Records within 15 business days from the mailing date of the Agency's response or the date that the request was deemed denied. If that timeframe expires before you provide the required information to the OOR, you lose your right to appeal and may need to file a new RTK request with the Agency.

[More Info](#) 



 The OOR is hosting a RTKL and Payment Issues Webinar on November 12 at 10 a.m.

 Click here for commonly requested records, including birth and death certificates, and where to find them.

 Annual Pennsylvania Right-to-Know Law & Sunshine Act Training (Thu, November 7, 2019, 1:30 PM - 4:00 PM)



Submit questions for panel discussion at
openrecords@pa.gov

FILE AN APPEAL

Requester

Name:

First Name

Last Name

Company:

Company Name (if applicable)

Address:

Address 1

Address 2

City

Pennsylvania x ▾

Zip

Contact:

Phone

Email

Agency:

Type Agency Name if not in list

Agency Address:

Address 1

Address 2

City

Pennsylvania x ▾

Zip

Agency Contact:

Phone

Email

Records at Issue in this Appeal:

(If you run out of space, you may attach a file with more details.)

Request Submitted to Agency Via:

Dates:

Date of Request

Date of Response

☐ Check if no response

Agency Open Records Officer:

Name & Title of Person Who Denied Request (if available)

I requested the listed records from the Agency named above. By submitting this form, I am appealing the Agency's denial, partial denial, or deemed denial because the requested records are public records in the possession, custody or control of the Agency; the records do not qualify for any exemptions under § 708 of the RTKL, are not protected by a privilege, and are not exempt under any Federal or State law or regulation; and the request was sufficiently specific.

Attach Files:

Browse ...

+ Add

Remove All

Maximum file attachments: 10

Maximum file size: 10MB per attachment

Allowed file types: pdf, doc, docx, rtf, txt, xls, xlsx, ppt, pptx, jpg, png, gif, bmp, tiff

File names may not contain the following characters: \ / : * ? " < > |

☐ I have attached a copy of my request for records.

☐ I have attached a copy of all responses from the Agency regarding my request.

☐ I have attached any letters or notices extending the Agency's time to respond to my request.

☐ I hereby agree to permit the OOR an additional 30 days to issue a final determination.

☐ I am interested in resolving this issue through OOR mediation. (This stays the initial OOR deadline for the issuance of a final determination by 7 business days. If mediation is unsuccessful, the OOR has 30 days from the conclusion of the mediation process to issue a final determination.)

☐ I'm not a robot

reCAPTCHA Privacy - Terms

Submit

Reset

Printable versions of this form (revised September 2019): [PDF](#) [Word](#)

You will receive a copy of your submission by email.

Portal access granted



You have been granted access to the Office of Open Records Portal. This website can be used to view details and updates to appeals of which you are an interested party. Please log in to the portal at <https://testwww.openrecords.pa.gov/portal> using the information listed below.

Email: dlantz-joh@pa.gov

Password:)5Gr5q;g

Sincerely,
Office of Open Records

333 Market Street, 16th Floor | Harrisburg, PA 17101-2234 | 717.346.9903 | F 717.425.5343 | openrecords.pa.gov

Submit questions for panel discussion at
openrecords@pa.gov

How to access portal

Training

The Office of Open Records ("OOR") conducts training on the Right-to-Know Law ("RTKL") at the request of groups that wish to learn about the application of the RTKL, including those seeking records and agencies responding to those requests. In addition, the OOR will often partner with various organizations or associations (such as the Pennsylvania Bar Institute, the Pennsylvania State Associations of Township Supervisors, or the Pennsylvania State Associations of Boroughs) to provide a presenter or panelist.

[More info](#)



 Opinions and Orders regarding Medical Marijuana Permit Applications



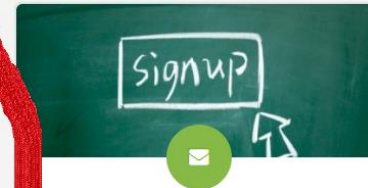
Find an AORO

Look up a specific Agency Open Records Officer, or register a new Officer.



Appeal Portal

Login to the appeal portal to view recent and ongoing appeals to which you are a party.




Email Subscriptions

Subscribe to our newsletter or daily Final Determination updates.


Submit questions for panel discussion at
openrecords@pa.gov


Portal login

Search 

 Ask a Question

 RSS

 Follow on Twitter

 Print Page



RIGHT-TO-KNOW LAW ▾

APPEALS ▾

SUNSHINE ACT

TRAINING ▾

CONTACT ▾





APPEAL PORTAL - LOGIN

Email

Password

 Log In

 Reset Password

 This page is restricted to those parties in a RTKL appeal.

Submit questions for panel discussion at
openrecords@pa.gov

Party Information

[Log Out](#) [Ask a Question](#) [RSS](#) [Follow on Twitter](#) [Print Page](#)[RIGHT-TO-KNOW LAW](#) ▾[APPEALS](#) ▾[SUNSHINE ACT](#)[TRAINING](#) ▾[CONTACT](#) ▾[Appeal Portal Home](#) / [Docket Sheet \(2019-0013\)](#) / [Party Info](#)

APPEAL PORTAL - PARTY INFO (DOCKET # 2019-0013)

Requester

Requester Info

Ms. Delene Lantz
123 Main St.
Anytown, PA 12345

717-555-0123
my.email@pa.gov

Attorney Info

John Doe
567 Law Ave.
Anytown, PA 12345

717-555-0234
attorney@lawfirm.com

Agency

Agency Info

Applegate, Kyle
Pennsylvania Department of Health
625 Forster Street
825 Health and Welfare Building
Harrisburg, PA 17120

717-547-3075
PADOHRTK@pa.gov

Attorney Info

Direct Interest Participants

No Direct Interest Participants found.

List of appeals

[Log Out](#) [Ask a Question](#) [RSS](#) [Follow on Twitter](#) [Print Page](#)[RIGHT-TO-KNOW LAW](#) ▾[APPEALS](#) ▾[SUNSHINE ACT](#)[TRAINING](#) ▾[CONTACT](#) ▾

APPEAL PORTAL - MY APPEALS

Request Date	Docket Number	Name	Interest	FD Date
08/22/2019	2019-0013	delene lantz v. Pennsylvania Department of Health	Requester	08/22/2019

[Request Direct Interest Participant Access](#)

Submit questions for panel discussion at
openrecords@pa.gov

Submitting files

[Log Out](#)[Ask a Question](#)[RSS](#)[Follow on Twitter](#)[Print Page](#)[RIGHT-TO-KNOW LAW](#) ▾[APPEALS](#) ▾[SUNSHINE ACT](#)[TRAINING](#) ▾[CONTACT](#) ▾[Appeal Portal Home](#) / [Docket Sheet \(2019-0013\)](#) / [Submit File](#)

APPEAL PORTAL - SUBMIT FILE (DOCKET # 2019-0013)

delene lantz v. Pennsylvania Department of Health

[View Party Info](#)

i All submissions may become available to the public. Submissions containing personal information should only be provided in compliance with the Office of Open Records Public Access Policy.

Description:






Submission Type:

 **Submit**

Submit questions for panel discussion at
openrecords@pa.gov

Submitting files

Search 

 Log Out  Ask a Question  RSS  Follow on Twitter  Print Page



RIGHT-TO-KNOW LAW ▾

APPEALS ▾

SUNSHINE ACT

TRAINING ▾


CONTACT ▾

[Appeal Portal Home](#) / [Docket Sheet \(2019-0013\)](#) / [Submit File](#)

APPEAL PORTAL - SUBMIT FILE (DOCKET # 2019-0013)


delene lantz v. Pennsylvania Department of Health

 [View Party Info](#)

 All submissions may become available to the public. Submissions containing personal information should only be provided in compliance with the Office of Open Records Public Access Policy.

Description:

Submission Type:

 Multiple files may be uploaded at the same time if they share the same description. If a different description is necessary, please upload the files separately.

File(s):  Browse ...

 Add  Remove All

Maximum file attachments: 10

Maximum file size: 10MB per attachment

Allowed file types: pdf, doc, docx, rtf, txt, xls,xlsx, ppt, pptx, jpg, png, gif, bmp, tiff

File names may not contain the following characters: \ / : * ? " < > |

 Submit

Submit questions for panel discussion at
openrecords@pa.gov

New file notification



New files have been added to your Office of Open Records portal for the following dockets:

- OOR Dkt. AP 20190010
- OOR Dkt. AP 20190013

Log into the portal at www.openrecords.pa.gov/portal to view them.

Sincerely,
Office of Open Records

LDPC Only (Non-production): Email would have gone to name@domain.com

333 Market Street, 16th Floor | Harrisburg, PA 17101-2234 | 717.346.9903 | F 717.425.5343 | openrecords.pa.gov

Submit questions for panel discussion at
openrecords@pa.gov

Adding a Direct Interest Participant

REQUEST DIRECT INTEREST PARTICIPANT STATUS

Please accept this as a Request to Participate in a currently pending appeal before the Office of Open Records. The statements made herein and in any attachments are true and correct to the best of my knowledge, information and belief. I understand this statement is made subject to the penalties of 18 Pa.C.S. 5 4904, relating to unsworn falsifications to authorities.

Docket #:

Name:

First Name

Last Name

PUBLIC RECORD NOTICE

All filings with the OOR will be public records and subject to public access with limited exception. If you do not want to include personal contact information in a publicly accessible record, please provide alternate contact information in order to receive future correspondence related to this appeal.

Address:

Address 1

Address 2

City

State

Zip

Email:

Phone #:

I have a direct interest in the record(s) at issue as (check all that apply):

- ☐ The owner of a record containing confidential or proprietary information or trademarked records
- ☐ An employee of the agency
- ☐ A contractor or vendor
- ☐ Other

Submit

Reset

Printable version of this form (revised June 2017): 

Submit questions for panel discussion at
openrecords@pa.gov

Direct Interest Participant notification



A request has been received for Direct Interest Participant status regarding OOR Dkt. AP [20190001](#).

Name:	Jason Tully
Organization:	Personal
Email:	jtully@legis.state.pa.us
Phone:	717-787-7357

[333 Market Street, 16th Floor | Harrisburg, PA 17101-2234](#) | 717.346.9903 | F 717.425.5343 | openrecords.pa.gov

Submit questions for panel discussion at
openrecords@pa.gov

Direct Interest Participant



Dear Jason Tully:

This email confirms that the Office of Open Records ("OOR") received your submission with regard to the above appeal filed by David Burton relating to the Abington Township's response to the request for records under the Pennsylvania Right-to-Know Law, 65 P.S. §§67.101 et seq.

As your submission being deemed a Statement of Direct Interest under Section 1101(c) of the Pennsylvania Right-to-Know Law sets forth a specific and direct interest in this appeal, please be advised that your request to participate in this proceeding has been GRANTED and Jason Tully shall be deemed a participant that may appear of record in this proceeding and make submissions with regard to the claims that certain information withheld constitutes "proprietary" information.

Further, in order for submissions to be included in the record, the record closing date is extended for you as direct participant on 10/31/2019. Jason Tully's submissions shall be included in the record and considered provided they are timely received. The remaining due dates shall follow. The parties are copied on this correspondence, and are notified that Jason Tully shall be copied on all correspondence/submissions made to date and going forward.

Please be advised that the parties must be copied on all submissions related to this appeal, and include Docket No. AP [20190002](#) on all submissions.

Sincerely,
Office of Open Records

333 Market Street, 16th Floor | Harrisburg, PA 17101-2234 | 717.346.9903 | F 717.425.5343 | openrecords.pa.gov

Submit questions for panel discussion at
openrecords@pa.gov

Docket Sheet

delene lantz v. Pennsylvania Department of Health

[View Party Info](#)

OR Dkt. No.: AP 2019-0013

Case Status: Pending in Commonwealth Court

FD Due: 10/02/2019

Record Closing Date: 09/11/2019

Appeals Officer: Applegate, Kyle

Agency/County: Commonwealth

Description: Incomplete

Legal Issues:	Clause	Exemption	Result
	Constitutional Right to Privacy	Constitutional Right to Privacy, Pa. Const. Art. I, § 1. "All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness."	
	Deemed Denial	Request was deemed denied.	
	Mediation Requested	Mediation Requested	

Docket Entries

Filed	Description	Step	Document
08/22/2019	Petition for Review	Court Filing	
08/22/2019	Requester Correspondence		
08/22/2019	OOR Final Determination	Final Determination	
08/22/2019	OOR Appeal Deficiency Order		
08/22/2019	OOR Official Notice of Appeal		
08/22/2019	Requester Appeal		

[Submit File](#)

[Download Files](#)

[Print Docket Sheet](#)

Submit questions for panel discussion at
openrecords@pa.gov

Docket Sheet pdf

Office of Open Records Docket Sheet

OOR Dkt. AP 2019-0013: delene lantz v. Pennsylvania Department of Health

Appeals Officer: Kyle Applegate

Case Information:

Insufficiency Notice:	Yes
Mediation Requested:	Yes
30-day Extension Granted:	No
Record Closing Date:	09/11/2019
Final Determination Due Date:	10/02/2019
Case Status:	Pending in Commonwealth Court

Final Determination Outcome: Issued: 08/22/2019

Incomplete

Final Determination on Reconsideration:

Final Determination on Remand Outcome:

Appealed to a Higher Court:

Issued	Docket	Court	Opinion	Enforce
	1 CD 2019	Commonwealth Court		No

Consolidated Cases:

Parties:

Submit questions for panel discussion at
openrecords@pa.gov

Questions

Submit questions for panel
discussion at
openrecords@pa.gov