



# pennsylvania

OFFICE OF OPEN RECORDS

## **2018 ANNUAL REPORT**

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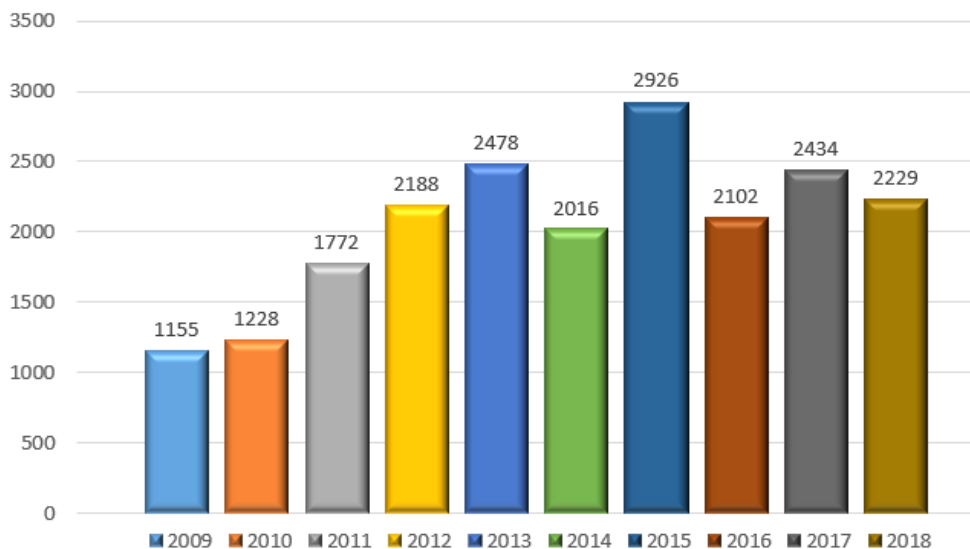
717-346-9903

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# 2,229 APPEALS FILED

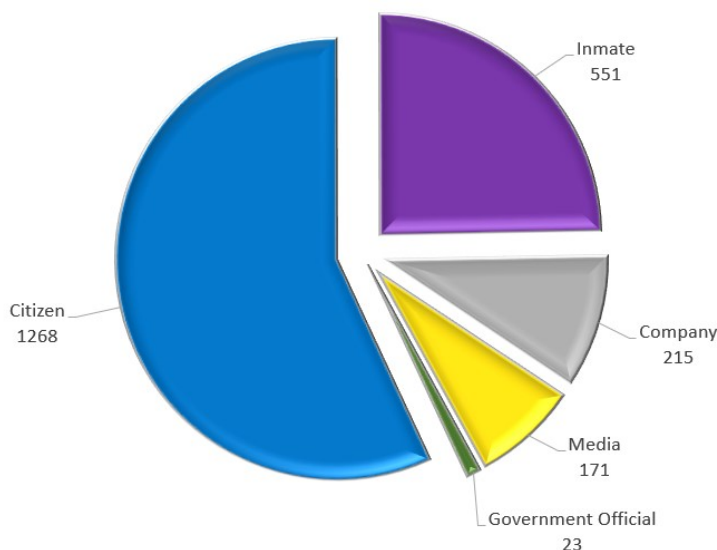
In six of the past seven years, the OOR has docketed between 2,000 and 2,500 appeals. (The outlier is 2015, when we docketed 2,926 appeals.) The current three-year average is 2,255 appeals; the current five-year average is 2,341 appeals.



# 1,268 CITIZEN APPEALS

More than half (56.9%) of appeals in 2018 were filed by everyday citizens. They were followed by:

- Inmates (24.7%)
- Companies (9.6%)
- Media (7.7%)
- Government officials (1.0%)

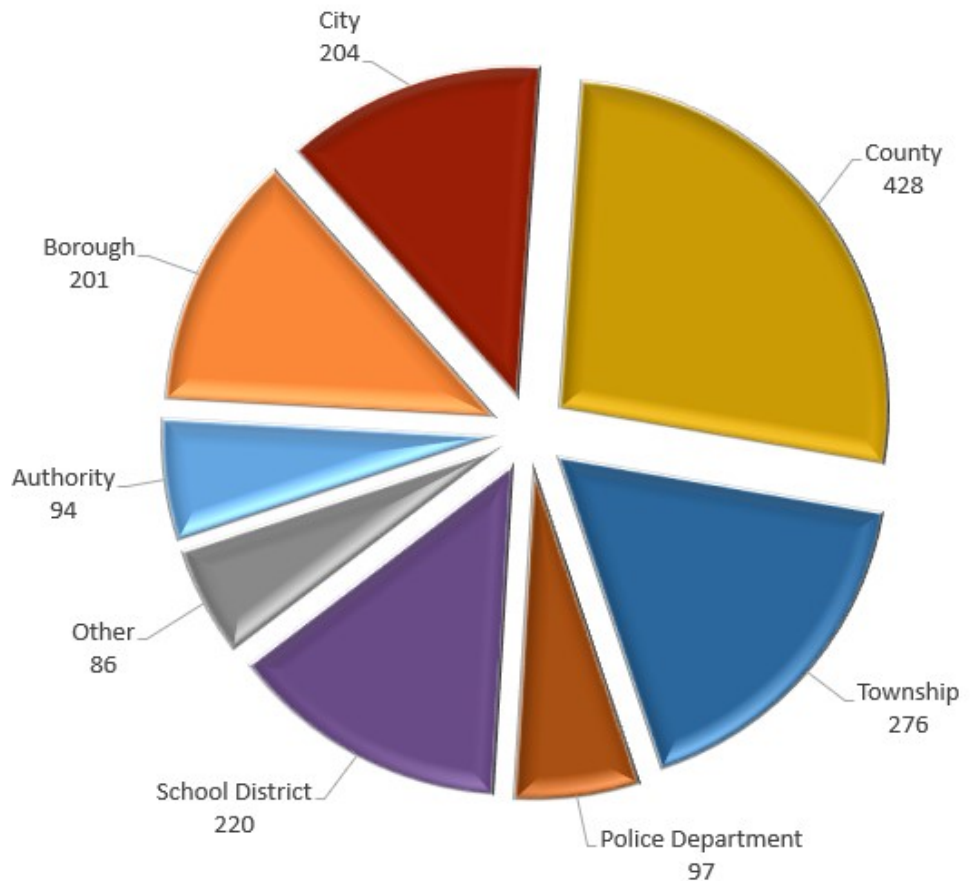


*One appeal was filed by a non-U.S. resident, who cannot be a requester under the RTKL. That appeal is not included in the pie chart above.*

# 1,606 APPEALS INVOLVING LOCAL AGENCIES

In 2018, municipal governments (cities, boroughs, and townships) were involved in 42.4% of appeals filed against local agencies. Here's the complete list:

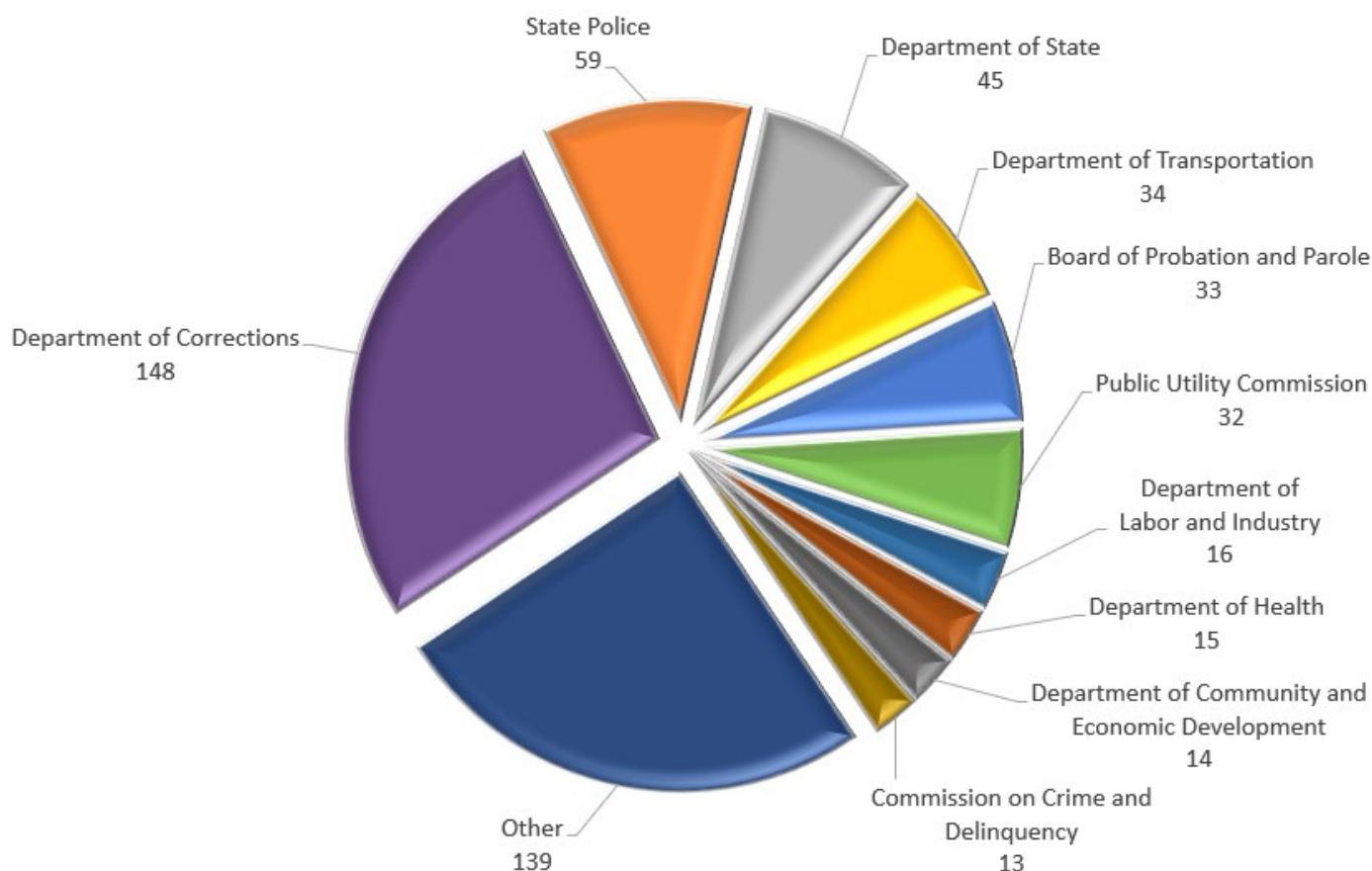
- Counties, 26.7%
- Townships, 17.2%
- School Districts, 13.7%
- Cities, 12.7%
- Boroughs, 12.5%
- Police Departments, 6.0%
- Authorities, 5.9%
- Other, 5.4%



# 559 APPEALS INVOLVING STATE AGENCIES

In 2018, the Department of Corrections was involved in more than a quarter of the appeals filed against state agencies. Here's the full list:

- Department of Corrections, 27.0%
- State Police, 10.8%
- Department of State, 8.2%
- Department of Transportation, 6.2%
- Board of Probation and Parole, 6.0%
- Public Utility Commission, 5.8%
- Department of Labor and Industry, 2.9%
- Department of Health, 2.7%
- Department of Community and Economic Development, 2.6%
- Commission on Crime and Delinquency, 2.4%
- Other, 25.4%



*The number of appeals involving local agencies on the previous page (1,606) and the number involving state agencies on this page (559) don't add up to the total of 2,229 appeals listed earlier in this report. The "missing" 64 appeals were filed against judicial agencies, legislative agencies (both of which the OOR has no jurisdiction over) and non-agencies.*

# **ISSUES RAISED BY AGENCIES DURING RTKL APPEALS**

In 2018, for the second year, the OOR tracked the issues raised by agencies and addressed by Appeals Officers. This data gives some insight into the reasons most commonly raised by agencies for denying access to records.

Of the 30 exemptions specifically enumerated in Section 708(b) of the RTKL, these 10 were raised most often:

- Noncriminal Investigative Records, (b)(17), 96
- Criminal Investigative Records, (b)(16), 83
- Internal, Predecisional Deliberations, (b)(10), 53
- Personal Identification Information, (b)(6), 49
- Public Safety, (b)(2), 33
- Personal Security, (b)(1), 31
- Agency Employee Information, (b)(7), 30
- Trade Secret / Confidential Proprietary Information, (b)(11), 21
- Individual Medical Records, (b)(5), 19
- Building, Infrastructure and Utility Safety, (b)(3), 12

The OOR's Appeals Officers also heard hundreds of cases in which the agency asserted that the requested records didn't exist (339), the requested records weren't in the possession of the agency or were not records of the agency (180), the request wasn't specific enough or asked questions rather than seeking records (102), or the request sought records protected by attorney-client privilege (49).

*Note: Many appeals heard by the OOR involve several exemptions and/or other reasons for denying access to records.*

# **10 EXAMPLES OF RECORDS THE RTKL PROVIDED ACCESS TO IN 2018**

The goal of the RTKL is to make government records available to the public, which can then hold public officials accountable for their actions.

Here are some of the records accessed via the RTKL in 2018:

1. More than \$1 million paid to constables by magisterial district courts in Reading, far more than any other municipality.
2. \$320,970 paid by Philadelphia City Council for a fleet of 13 new SUVs, plus an additional \$46,000 in gasoline and maintenance.
3. Proposals seeking to convince Amazon to locate its HQ2 in Pennsylvania.
4. More than \$275,000 paid by four local agencies in the Lehigh Valley to settle sexual harassment cases.
5. A \$550,000 settlement to a man who was shot and paralyzed by constables serving warrants for unpaid traffic tickets.
6. An inspection report identifying the existence of missing and bent conduit supports in a Turnpike tunnel where a driver was later killed when part of a conduit fell from the ceiling.
7. Data showing a significant decline in racial diversity among teachers in Philadelphia School District.
8. The contents of a contract between Abington School District and a man who donated \$25 million to the district.
9. 28 reports of bed bugs in a university's dormitories over six years, with 12 of those reports being confirmed.
10. The cost of ransomware attacks on agency computers, including paid ransoms and rebuilding infected systems.



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## MEDIATIONS

The OOR’s mediation program is a great way to efficiently resolve disputes under the RTKL. A number of our Appeals Officers are trained mediators and can conduct mediations via telephone or in person. When a mediation is successful, the appeal is withdrawn. That saves both sides the work of a formal appeal process. Either side can choose to end mediation at any time; if this happens, the OOR’s traditional appeal process begins. More about our mediation program can be found at:

[www.openrecords.pa.gov/Appeals/Mediation.cfm](http://www.openrecords.pa.gov/Appeals/Mediation.cfm)

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## TRAINING SESSIONS

Thousands of people attended OOR training sessions about the Right-to-Know Law and the Sunshine Act in 2018. We traveled the state again, including visits to Erie, Freedom, Indiana, Morrisville, Pittsburgh, Radnor, Upper Macungie, and Sunbury. We also had a chance to visit some great colleges and universities across the state, including Gannon, Lock Haven, Penn State, and my alma mater Temple. Our complete training schedule (including webinars) can be found at:

[www.openrecords.pa.gov/RTKL/TrainingAbout.cfm](http://www.openrecords.pa.gov/RTKL/TrainingAbout.cfm)



# **979 RIGHT-TO- KNOW REQUESTS**

The OOR set another record in 2018, receiving more RTK requests than ever before. As in previous years, however, the vast majority of the requests were misdirected. In other words, they did not seek records of the OOR; instead, they sought records of other agencies but were mistakenly filed with the OOR.

Nearly 90% of RTK requests filed with the OOR last year were misdirected. 114 requests were made for OOR records, typically for copies of Final Determinations, case files, and OOR forms.

# **20 OOR EMPLOYEES**

The staff of the OOR is incredibly dedicated, talented, and hard-working. As 2019 begins, our team includes Kyle Applegate, Joy Baxter, Charles Rees Brown, Erin Burlew, Nathan Byerly, Jordan Davis, Dylan Devenyi, Angie Edris, Blake Eilers, Faith Henry, Kelly Isenberg, Michele Kusery-Grant, Delene Lantz, Ryan Liggitt, Janelle Sostar, George Spiess, Jill Wolfe, Joshua Young, and Magdalene Zeppos.

I'm proud to be the Executive Director of the OOR, in large part because of the amazing team that works here.

Please don't hesitate to contact us with any comments or questions about the RTKL, the Sunshine Act, or anything else related to government transparency in Pennsylvania.

Erik Arneson  
March 15, 2019