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DISTRICT ATTORNEY



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County of Allegheny

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September 11, 2018

Celia B. Liss, Esquire
Open Records Officer
City of Pittsburgh
Department of Open Records
313 City County Building
414 Grant Street
Pittsburgh, PA 15219

In re: Open Records Appeal

Dear Attorney Lane and Open Records Officer Liss:

I am the Open Records Appeals Officer for the District Attorney of Allegheny County. On September 6, 2018, I received from Mr. Lane, an appeal of a denial of a Right To Know Request. That denial was from the City of Pittsburgh. In Mr. Lane's request, he asserted the following in regards to records requested:

Our Office represents Joseph B. Fay Company
According to the City of Pittsburgh Preliminary Fire Investigation Report (case file #A-16335, Police CCR #165397, Fire CCR #32621) digital photographs were taken at the Liberty Bridge fire on September 2, 2016. A lawsuit has not been filed yet. Therefore we cannot subpoena copies of the digital photographs. Please provide copies of all of the photographs taken of the Liberty Bridge fire.

(See Right to Know Request dated July 19, 2018.)

In denying the request, Officer Liss stated,

Upon investigation, I have determined that the records you have requested are exempt from production under RTKL and your request is denied in its entirety. RTKL states that investigative materials such as photographs are not subject to release. See 65 P.S. §§67.703(b)(16)(ii). Further, to the extent that this request is protected under the Criminal History Record Information Act, 18 PA.C.S. §9101 *et seq.*, the City is prohibited from forwarding this information to you.

(See letter dated August 12, 2018).

Pursuant to 65 P.S. §67.1102 an appeals officer may request a party “to submit documents in support of their positions.” I would respectfully request that the City of Pittsburgh submit an affidavit from an appropriate individual attesting to the fact that the requested items were gathered as part of a criminal investigation and are thus covered by the claimed exemption.

Very truly yours,

Michael W. Streily
Deputy District Attorney
Open Records Appeals Officer