

The requested order was created by the judicial system and is, therefore, a “judicial record.” In *Philadelphia District Attorney’s Office v. Stover*, the request sought, among other records, a sentencing order. The District Attorney’s Office denied the request, arguing the records were judicial records not subject to disclosure under the RTKL. On appeal before the Commonwealth Court, the Court agreed, holding that the records were judicial records. 176 A.3d 1024, 1028 (Pa. Commw. Ct. 2017). While the Court expressly limited its holding to “court orders,” the Court’s opinion can only be read that “court orders” include a “discharge order.” Therefore, this record is not required to be disclosed under the RTKL.

In recognition of the public policy arguments raised in *Stover* favoring access to these types of records, the Commonwealth Court noted that the RTKL is not the only legal mechanism to which the Requester might avail himself. *See id.* at 1029. (“We note, however, that [t]he RTKL is not the sole mechanism for obtaining records from judicial agencies”) (internal citations and quotations omitted). “In fact, there are other available avenues through which a defendant has a right to obtain orders entered by the trial court in connection with his/her criminal case, and the form of actions in our civil system regarding equitable and/or mandamus relief are sufficient to ensure that a defendant acquires possession of such orders.” *Id.* at 1029-30. Nonetheless, the records Requester seeks are exempt from disclosure in this forum.

For the foregoing reasons, the 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. 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 This Final Determination shall be placed on the OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: January 13, 2019

/s/ Joy Ramsingh

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