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Key RTKL Opinions: Supreme Court & Commonwealth Court

Final update: November 18, 2019

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The term “financial record” in the RTKL is broadly defined and includes past precedential decisions under the Right To Know Act.	<u>City of Harrisburg v. Prince</u> , 2019 Pa. LEXIS 6278	November 12, 2019
Where a request seeks information rather than any specific document, it is moot when that information is provided.	<u>Kutztown Univ. of Pa. v. Bollinger</u> , 2019 Pa. Commw. Unpub. LEXIS 521	September 13, 2019
Under FERPA, OOR must determine if a record (1) relates to a student other than the Requester and (2) is maintained in a specific way	<u>West Chester Univ. of Pa. v. Rodriguez</u> , 2019 Pa. Commw. LEXIS 690	July 24, 2019
Where both the requester and applicants for licenses had valid constitutional interests under <i>PSEA</i> , redaction was appropriate	<u>Pa. Liquor Control Bd. v. Beh</u> , 2019 Pa. Commw. LEXIS 660	July 17, 2019
Judicial notice; the security exceptions in the RTKL may be proven as to groups of people through testimony and statistical information	<u>Crocco v. Pa. Dep’t of Health</u> , 2019 Pa. Commw. LEXIS 649	July 11, 2019
This case concerns a variety of issues surrounding access to medical marijuana applications	<u>Mission Pa., LLC v. McKelvey</u> , 2019 Pa. Commw. LEXIS 528	June 4, 2019
A corporate entity cannot be an “individual” for the purposes of (b)(13)	<u>Cal. Univ. of Pa. v. Bradshaw</u> , 2019 Pa. Commw. LEXIS 496	May 31, 2019
An agency is entitled to a literal interpretation of a Request; analysis of Section 506(d) issues	<u>Equity Forward v. Dep’t of Human Servs.</u> , 2019 Pa. Commw. Unpub. LEXIS 292	May 17, 2019
To determine whether a volunteer fire department is an agency, the OOR must analyze the department’s relationship with local governments	<u>Pysher v. Clinton Twp. Volunteer Fire Co.</u> , 209 A.3d 1116	May 8, 2019

Where an agency hires consultants for the benefit of their expertise, communications with those consultants may be internal for the purposes of (b)(10)	<u>Finnerty v. Pa. Dep't of Cmty. & Econ. Dev.</u> , 208 A.3d 178	April 25, 2019
The proprietary formulas used by a contractor in road projects may be withheld under (b)(11) where the third party can prove each element	<u>Crouthamel v. Pa. Dep't of Transportation</u> , 207 A.3d 432	April 5, 2019
Specific records must be provided under the Board's regulation regardless of the form in which they exist	<u>Madison v. Pa. Bd. of Prob. & Parole</u> , 206 A.3d 683	March 27, 2019
The state constitutional right to privacy applies to the counties of residence of public employees	<u>Governor's Office of Admin. v. Campbell</u> , 2019 Pa. Commw. LEXIS 104	January 24, 2019
Security camera footage must be created primarily to document an investigation to be exempt under (b)(17)	<u>Borough of Pottstown v. Suber-Aponte</u> , 202 A.3d 173	January 8, 2019
Declaratory judgments are inappropriate where ordinary appeal will do, OOR may order <i>in camera</i> review upon its own motion	<u>Cty. of Berks v. Pa. Office of Open Records</u> , 2019 Pa. Commw. Unpub. LEXIS 3	January 3, 2019
Agencies are responsible for properly mailing responsive records, but not for the requester's receipt of those records	<u>Brown v. Pa. Dep't of Health</u> , 2018 Pa. Commw. Unpub. LEXIS 684	December 21, 2018
OOR's management of deadlines, nature of mandatory deadlines under the RTKL	<u>Vu v. Pa. Bd. of Prob. & Parole</u> , 2018 Pa. Commw. LEXIS 740	December 13, 2018
The application of FERPA under the RTKL and the test that should be used	<u>Cent. Dauphin Sch. Dist. v. Hawkins</u> , 2018 Pa. Commw. LEXIS 725	December 10, 2018
Effect of contemporary changes to regulation on appeals, regulatory interpretation, (b)(1)(ii)	<u>Pa. Dep't of Health v. McKelvey</u> , 2018 Pa. Commw. Unpub. LEXIS 520	September 27, 2018
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(b)(2), security footage for municipal buildings, the content of a video controls application of exemptions	<i>Gregg Twp. v. Grove</i> , 2018 Pa. Commw. Unpub. LEXIS 343	June 25, 2018
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(b)(16), PSP lab reports	<i>Soto v. Pa. State Police</i> , 2018 Pa. Commw. Unpub. LEXIS 246	May 7, 2018
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Sufficiency of affidavit demonstrating past fees owed to agency	<i>Brown v. Pa. Dep’t of Corr.</i> , 2017 Pa. Commw. Unpub. LEXIS 920	December 15, 2017
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Not all police MVRs fall under CHRIA or (b)(16), may be redacted, wiretap act [NOTE: predates enactment of Act 22 of 2017]	<i>Pa. State Police v. Grove</i> , 2017 Pa. LEXIS 1394	June 20, 2017
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708(b)(16), the identity of a requester, the non-expiration of exceptions to disclosure	<i>Cafoncelli v. Pa. State Police</i> , 2017 Commw. Unpub. LEXIS 405	June 5, 2017
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708(b)(10), disclosure of material 'related to' (b)(10), Attorney-client privilege / Attorney work-product privilege	<i>Dep't of Corr. v. Fiorillo</i> , 2017 Pa. Commw. Unpub. LEXIS 305	May 1, 2017
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Bad faith, pending litigation, collateral discovery, specificity, penalties under the RTKL	<i>Office of the DA. of Phila. v. Bagwell</i> , 2017 Pa. Commw. LEXIS 30	February 16, 2017
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74 Pa.C.S. § 9111 exempts unsuccessful bidders from disclosure	<i>Commonwealth v. Walsh/Granite JV</i> , 149 A.3d 425 (Pa. Commw. Ct. 2016)	October 31, 2016
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Constitutional right to privacy, home addresses, balancing test	<i>PSEA v. Office of Open Records</i> , 148 A.3d 142 (Pa. 2016)	October 18, 2016
Specificity, 708(b)(10), the appeals procedure	<i>Commonwealth v. Engelkemier</i> , 148 A.3d 522 (Pa. Commw. Ct. 2016)	October 14, 2016
Financial information submitted by a third party may not always be ‘part of’ an agency contract	<i>Global Tel*Link Corp. v. Wright</i> , 147 A.3d 978 (Pa. Commw. Ct. 2016)	September 22, 2016
Requirements to redact, 708(b)(28)	<i>Commonwealth v. Simpson</i> , 2016 Pa. Commw. Unpub. LEXIS 613	August 30, 2016
Home addresses of participants in a housing voucher program, creation of record, 705, social services exemption under 708(b)(28), personal security exemption under 708(b)(1)	<i>Chester Housing Authority v. Polaha</i> , No. 2391 C.D. 2015, 2016 Pa. Commw. Unpub. LEXIS 568	August 11, 2016
Ability of requester to address reasons for denying access for the first time on appeal	<i>Wishnefsky v. Pa. Dep’t of Corr.</i> , 144 A.3d 290 (Pa. Commw. Ct. 2016)	July 29, 2016
Notes of a county commissioner, notes and working papers exemption under 708(b)(12), definition of “record”	<i>Clearfield County v. Bigler Boyz Enviro, Inc.</i> , 144 A.3d 258 (Pa. Commw. Ct. 2016)	July 28, 2016
Third party standing, Federal preemption	<i>Slaughter v. Deegan and The Philadelphia Authority for Industrial Development</i> , July Term, 2016, No. 1212	July 25, 2016
Specificity, 703, time for searching for records	<i>PASSHE v. APSCUF</i> , No. 2126 C.D. 2015, 2016 Pa. Commw. LEXIS 308	July 6, 2016
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Agency e-mail addresses held out to the public are subject to public access	<i>Pa. State Sys. of Higher Educ. v. Fairness Ctr.</i> , No. 1203 C.D. 2015, 2016 Pa. Commw. Unpub. LEXIS 245	March 30, 2016
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Federal copyright law does not exempt records but may limit distribution	<i>Ali v. Phila. City Planning Comm’n</i> , 125 A.3d 92 (Pa. Commw. Ct. 2015)	October 1, 2015

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An action in mandamus in the Commonwealth Court is the proper remedy for noncompliance with OOR final order	<i>Wishnefsky v. Pa. Dep't of Corr.</i> , 2015 Pa. Commw. Unpub. LEXIS 473 (Pa. Commw. Ct. July 8, 2015)	July 8, 2015
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Phone records, metadata, retrieving records from a database is not creation of a new record, records provided in their native format.	<i>Paint Twp. v. Clark</i> , 109 A.3d 796 (Pa. Commw. Ct. 2015)	February 5, 2015
708(b)(6)(i)(C); also exempts co-inhabitants. Superannuation age alone insufficient for 708(b)(1)(ii).	<i>State Emples. Ret. Sys. v. Fultz</i> , 107 A.3d 860 (Pa. Commw. Ct. 2015)	January 9, 2015
708(b)(17); basis for an informal investigation exempt. Public Utility Code Section 335 definitions.	<i>Pa. PUC v. Seder</i> , 106 A.3d 193 (Pa. Commw. Ct. 2014)	December 3, 2014
Counties of residence are not part of home addresses. Records which could let someone find protected information are not exempt for that alone. Quantum of evidence issues.	<i>Commonwealth v. Pennsylvanians for Union Reform, Inc.</i> , 105 A.3d 61 (Pa. Commw. Ct. 2014)	November 20, 2014
In order to trigger appellate right from an agency’s non-response under the RTKL, the requester must address the request to the open records officer, Section 703	<i>Gaming Control Board v. Office of Open Records</i> , 103 A.3d 1276 (Pa. 2014)	November 10, 2014
708(b)(10); no official adjudication or decision required-must merely propose or contemplate a course of action; purely factual information may be exempt if it discloses the deliberative process	<i>McGowan v. Pa. Department of Environmental Protection</i> , 103 A.3d 374 (Pa. Commw. Ct. 2014)	September 11, 2014
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Confidential proprietary information, Section 708(b)(11), standing of third party to appeal	<i>Thirty, Inc. v. Gil Smart & Lancaster Newspapers, Inc.</i> , No. 805 C.D. 2013, 2014 Pa. Commw. Unpub. LEXIS 235 (Pa. Commw. Ct. 2014)	April 14, 2014
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Attorney work-product doctrine, grand jury secrecy and criminal investigation exemption section 708(b)(16). Client identities and description of services on legal invoices. Challenges not previously raised before the initial fact-finder are waived.	<i>Levy v Senate of Pennsylvania</i> , 94 A.3d 436 (Pa. Commw. Ct. 2014)	January 15, 2014
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Improper dismissal; appeal filing documentation, failure to include copy of Request	<i>Kokinda, v. County of Lehigh</i> , No. 1146 C.D. 201, 2014 Pa. Commw. Unpub. LEXIS 20	January 8, 2014

Definition of local agency, Section 506(d), jurisdiction	<u><i>In Re: Right to Know Law Request Served on Venango County's Tourism Promotion Agency and Lead Economic Development Agency. Appeal of: Michael R. Hadley</i></u> 83 A.3d 1101 (Pa. Commw. Ct. 2014)	January 3, 2014
Financial information related to the cost of providing health care plans	<i>City of Shamokin v. Bridy</i> , CV-13-1055, Court of CP Northumberland County, November 22, 2013	November 22, 2013
Records do not exist. Sufficiency of affidavit.	<u><i>Reaves v. Pa. Board of Probation and Parole</i></u> , No. 393 C.D. 2013, 2013 Pa. Commw. Unpub. LEXIS___ (Pa. Commw. Ct. 2013)	November 15, 2013
Standing to appeal; definition of Requester; attorney making request on behalf of client; records of an agency are those that document a transaction or activity of the responding agency, not any agency.	<u><i>Meguerian v. Office of the AG</i></u> , 2013 Pa. Commw. Unpub. LEXIS 828 (Pa. Commw. Ct. 2013)	November 14, 2013
Immunity Agreement is not <i>per se</i> an investigative record; Section 708(b)(16)	<u><i>Coley v. Phila. DA's Office</i></u> , 77 A.3d 694 (Pa. Commw. Ct. 2013)	October 7, 2013
Attorney fees	<u><i>Staub v. City of Wilkes-Barre</i></u> , 2013 Pa. Commw. Unpub. LEXIS 739 (Pa. Commw. Ct. 2013)	October 3, 2013
Scope and standard of review of OOR final determinations; presumption of openness	<u><i>Bowling v. Office of Open Records</i></u> , 75 A.3d 453 (Pa. 2013)	September 13, 2013
Disruptive requests; application of Rules of Civil Procedure to an appeal under the RTKL	<u><i>Borough of West Easton v. Mezzacappa</i></u> , 74 A.3d 417 (Pa. Commw. Ct. 2013)	September 6, 2013
Inmate; policies regarding treatment of inguinal hernias; public safety; Section 708(b)(2)	<u><i>Wishnepsky v. Dep't of Corr.</i></u> , No. 2319 C.D. 2012, 2013 Pa. Commw. Unpub. LEXIS 652	August 23, 2013
Deemed denial. An agency does not waive the ability to raise exemptions on appeal by failing to respond to a RTK request.	<u><i>McClintock v. Coatesville Area SD</i></u> 74 A.3d 378 (Pa. Commw. Ct. 2013)	August 9, 2013

Jurisdiction; certain records received by <i>ex officio</i> official are “records” subject to public access because the records were received by a Commonwealth agency to enable it to perform its statutory governmental function	<i>Bagwell v. PDE</i> , 76 A.3d 81 (Pa. Commw. Ct. 2013)	July 19, 2013
Protective Services Act	<i>Danvers v. Dep't of Aging</i> , No. 2324 C.D. 2012, 2013 Pa. Commw. Unpub. LEXIS 564 (Pa. Commw. Ct. July 18, 2013)	July 18, 2013
Section 506(d); directly relates; remand	<i>Municipality of Monroeville v. Drack</i> No. 2123 C.D. 2012, 2013 Pa. Commw. Unpub. LEXIS 561 (Pa. Commw. Ct. July 16, 2013)	July 16, 2013
Local agency 708(b)(16), 502(d)(2), jurisdiction over criminal investigative records	<i>Crawford v. DA of Bedford County</i> , No. 1905 C.D. 2012, 2013 Pa. Commw. Unpub. LEXIS 533 (Pa. Commw. Ct. July 11, 2013)	July 11, 2013
708(b)(1); 708(b)(2); inmate; transfer petition; operations manual; correspondence; affidavit; burden	<i>Carey v. DOC</i> , 2013 Pa. Commw. Unpub. LEXIS 495 (Pa. Commw. Ct. July 3, 2013) (supplemental opinion to Jan 24, 2013 opinion)	July 3, 2013
Records do not exist; mandamus action	<i>Barros v. City of Allentown and Allentown Police Dept.</i> No. 2129 C.D. 2012, 2013 Pa. Commw. Unpub. LEXIS 502 (Pa. Commw. Ct. July 3, 2013)	July 3, 2013
Section 506(d); Prevailing Wage Act; benefit plans of contractor’s employees	<i>West Chester University v. Browne</i> 71 A.3d 1064 (Pa. Commw. Ct. 2013)	June 19, 2013
Section 1101 and obligation to address grounds where agency cites to a large number of additional reasons for denial; remand	<i>Barnett v. DPW</i> , 71 A.3d 399 (Pa. Commw. Ct. 2013)	June 12, 2013
Requester does not owe fees for a request that was deemed denied and then subsequently granted.	<i>Borough of West Easton v. Mezzacappa</i> , 2013 Pa. Commw. Unpub. LEXIS 449 (Pa. Commw. Ct. 2013)	June 12, 2013
Requesters must address agency grounds, Section 1101(a)	<i>Govan v. Dept. of Public Welfare</i> , 2013 Pa. Commw. Unpub. LEXIS 424 (Pa. Commw. Ct. 2013)	May 30, 2013
Agency is not required to obtain records from former officials	<i>Breslin v. Dickinson Township</i> , 68 A.3d 49 (Pa. Commw. Ct. 2013)	May 24, 2013

Requesters must address agency grounds; Office of Open Records is not a proper respondent to appeal	<i>Padgett v. Pennsylvania State Police</i> , 73 A.3d 644, 645 (Pa. Commw. Ct. 2013)	May 22, 2013
Waiver; attorney-client privilege; solicitor invoices	<i>Levy v. Senate of Pa.</i> , 65 A.3d 361 (Pa. 2013)	April 24, 2013
Home addresses; government-issued e-mail addresses, 708(b)(6)	<i>Office of the Lt. Gov. v. Mohn</i> , 67 A.3d 123 (Pa. Commw. Ct. 2013)	April 24, 2013
Home addresses; government-issued phone numbers, 708(b)(6)	<i>Office of the Lt. Gov. v. Raffle</i> , 65 A.3d 1105 (Pa. Commw. Ct. 2013)	April 24, 2013
Affidavits must provide sufficient factual details to support exemptions; (b)(10)	<i>Office of the Gov. v. Scolforo</i> , 65 A.3d 1095 (Pa. Commw. Ct. 2013)	April 23, 2013
Section 708(b)(17); investigation records	<i>Coulter v. Dep't of Pub. Welfare</i> , 65 A.3d 1085 (Pa. Commw. Ct. 2013)	April 18, 2013
Agency must give evidence, even if requested records appear exempt on their face	<i>Heavens v. Dept. of Environ. Protect.</i> , 65 A.3d 1069 (Pa. Commw. Ct. 2013)	April 9, 2013
Requester is subject of records; 708(b)(6); personal financial information, inmate account records	<i>Boyd v. Dept. of Corrections</i> , No. 206 C.D. 2012, 2013 Pa. Commw. Unpub. LEXIS 275 (Pa. Commw. Ct. April 5, 2013)	April 5, 2013
Sentencing orders; RTKL not vehicle to attack criminal confinement	<i>Whitaker v. Dept. of Corrections</i> , No. 1781 C.D. 2012, 2013 Pa. Commw. Unpub. LEXIS 181 (Pa. Commw. Ct. March 8, 2013)	March 8, 2013
Information related to the relocation of a particular witness through a witness protection program of a law enforcement agency is exempt from disclosure under Section 708(b)(16)(vi)(E)	<i>Galloway v. Office of PA Attorney General</i> , 63 A.3d 485 (Pa. Commw. Ct. 2013)	February 12, 2013
Specificity, Section 708(b)(2), Section 708(b)(10), affidavit, held case in abeyance pending receipt of additional information to support assertion of public safety exemption	<i>Carey v. Pa. Dept. of Corrections</i> , 61 A.3d 367 (Pa. Commw. Ct. 2013)	January 24, 2013
Request for research, specificity	<i>Askew v. Office of the Governor</i> , No. 120 C.D. 2012, 2013 Pa. Commw. Unpub. LEXIS 54 (Pa. Commw. Ct. January 16, 2013)	January 16, 2013

Name, address, date of birth and social security number of each person issued a driver's license or non-driver photo identification card are confidential under Section 6114 the Vehicle Code	<i>Advancement Project and Marian Schneider v. Pa. Dept. of Transportation</i> , 60 A.3d 891 (Pa. Commw. Ct. 2013)	January 14, 2013
"Directly related" aspect of 506(d); dates of birth are not categorically exempt; Section 708(b)(6) waiver	<i>Allegheny County and A Second Chance, Inc. v. Parsons and WTAE-TV</i> , 61 A.3d 336 (Pa. Commw. Ct. 2013)	January 14, 2013
708(b)(6)(i)(A); Commonwealth enjoined from releasing Statements of Financial Interest to the public, including accredited reporters, pursuant to a request made under RTKL without redacting "personal financial information," as defined in Section 102 of RTKL	<i>Pa. Social Services Union v. Commonwealth of PA</i> , 59 A.3d 1136 (Pa. Commw. Ct. 2012)	December 14, 2012
Section 708(b)(7) employment records	<i>Silver v. Borough of Wilkinsburg</i> , 58 A.3d 125 (Pa. Commw. Ct. 2012)	December 14, 2012
Section 708(b)(28) and agency regulations, identity of employers and claimants of unemployment compensation (UC) hearings held by the Department	<i>Clark v. L&I</i> , No. 2500 C.D. 2011, 2012 Pa. Commw. Unpub. LEXIS 946 (Pa. Commw. Ct. 2012)	December 7, 2012
Specificity	<i>Dep't of Corr. v. Marshall</i> , No. 916 C.D. 2012, 2012 Pa. Commw. Unpub. LEXIS 947 (Pa. Commw. Ct. December 7, 2012)	December 7, 2012
Altering request during appeal. Noncriminal investigation. Considering purpose of request.	<i>Michak v. Department of Public Welfare (DPW)</i> 56 A.3d 925 (Pa. Commw. Ct. 2012)	November 9, 2012
jurisdiction; appeals taken from determination of a judicial agency – in this case, the Prothonotary	<i>Frazier v. Philadelphia County Office of the Prothonotary</i> , 58 A.3d 858 (Pa. Commw. Ct. 2012)	December 4, 2012
Coroner's Act/RTKL; analysis of conflicts provisions	<i>Hearst TV, Inc. v. Norris</i> , 54 A.3d 23, (Pa. 2012)	October 17, 2012
Records not existing after grounds for denial asserted; attorney fees. Fees also assessed to third party in possession	<i>Staub and Citizen's Voice v. City of Wilkes-Barre and LAG Towing, Inc.</i> , 2013 Pa. Commw. Unpub. LEXIS 739, 1 (Pa. Commw. Ct. 2013)	October 16, 2012
Volunteer Fire Company, not a local agency, Butler County	<i>Center Township and Unionville Volunteer Fire Dept. v. PA OOR and Beverly Schenck</i> , MsD No. 12-40148 (Butler Com. Pl. October 12, 2012)	October 12, 2012

Definition of agency, jurisdiction	<i>Scott v. Delaware River Valley Port Commission</i> , 56 A.3d 40 (Pa. Commw. Ct. 2012)	October 3, 2012
Database, creation of record, waiver	<i>Commonwealth v. Cole</i> , 52 A.3d 541 (Pa. Commw. Ct. 2012)	September 12, 2012
Mandamus, damages, sanctions	<i>Crockett v. SEPTA</i> , No. 2295 C.D. 2011, 2012 Pa. Commw. Unpub. LEXIS 685 (Pa. Commw. Ct. Sept. 11, 2012)	September 11, 2012
Records are exempt based upon a prior decision finding them exempt.	<i>Adams v. AG</i> , 2513 CD 2011, 2012 Pa. Commw. Unpub. LEXIS 676 (Pa. Commw. Ct. Sept. 7, 2012)	September 7, 2012
708(b)(2), public safety, use of affidavit	<i>Adams v. Pa. State Police</i> , 51 A.3d 322 (Pa. Commw. Ct. 2012); see also <i>Adams v. Pa. State Police</i> , No. 2512 C.D. 2011, 2012 Pa. Commw. Unpub. LEXIS 656 (Pa. Commw. Ct. Aug. 31, 2012)	August 31, 2012

<p>Third party records/notice; injunction; home address of school district employees</p>	<p><i>Pa. State Educ. Ass'n v. Commonwealth</i>, 2015 Pa. Commw. LEXIS 72 (Pa. Commw. Ct. Feb. 17, 2015)</p> <p><i>Pennsylvania State Education Association v. OOR</i>, 50 A.3d 1263 (Pa. 2012)</p> <p><i>Pa. State Educ. Ass'n ex rel. Wilson v. Pa. Office of Open Records</i>, (Supreme Court reversing the Commonwealth Court's order finding the OOR is not a proper party)</p> <p><i>Pa. State Educ. Ass'n v. Commonwealth</i>, 56 A.3d 692 (Pa. 2010) (per curium) (Supreme Court order reinstating the injunction)</p> <p><i>Pa. State Educ. Ass'n v. Commonwealth</i>, 4 A.3d 1156 (Pa. Commw. Ct. 2010) (Home addresses, PSEA lacks standing, good dissent by Pellegrini re: privacy and exemptions)</p> <p><i>Pa. State Educ. Ass'n v. Dep't of Cmty. & Econ. Dev.</i>, 981 A.2d 383, 384 (Pa. Commw. Ct. 2009) (Injunction re: home addresses)</p>	
<p>Attorney-client privilege, OOR lacks jurisdiction to release information in attorney's case file</p>	<p><i>City of Pittsburgh v. Silver</i>, 50 A.3d 296 (Pa. Commw. Ct. 2012)</p>	<p>August 16, 2012</p>
<p>Specificity, emails</p>	<p><i>Montgomery County v. Iverson</i> 50 A.3d 281 (Pa. Commw. Ct. 2012)</p>	<p>August 15, 2012</p>
<p>metadata, format</p>	<p><i>Scott v. SEPTA</i>, July Term 2011, No. 1600 (Phila. Com. P1. Aug. 3, 2012)</p>	<p>August 3, 2012</p>
<p>written criticism of an employee, 708(b)(7), and 708(b)(17) noncriminal investigation</p>	<p><i>Johnson v. Pennsylvania Convention: Center Auth.</i> 49 A.3d 920 (Pa. Commw. Ct. 2012)</p>	<p>August 1, 2012</p>
<p>Specificity, burden, good faith search for records</p>	<p><i>Commonwealth v. Legere</i>, 50 A.3d 260 (Pa. Commw. Ct. 2012)</p>	<p>July 31, 2012</p>

Discovery/RTKL, waiver of constitutional separation of powers argument	<i>City of Allentown v. Brennan</i> , 52 A.3d 451 (Pa. Commw. Ct. 2012)	July 25, 2012
Calendars/schedules of public officials, Section 708(b)(12)	<i>City of Philadelphia v. Philadelphia Inquirer</i> , 52 A.3d 456 (Pa. Commw. Ct. 2012)	July 25, 2012
Request, form of request, application of RTKL to all requests for records	<i>Commonwealth (Gaming Control Board) v. Office of Open Records</i> , 48 A.3d 503 (Pa. Commw. Ct. 2012) (Schneller)	July 11, 2012
Section 1101(a)(1)	<i>Saunders v. Dept. of Corrections</i> , 48 A.3d 540, 541 (Pa. Commw. Ct. 2012)	July 5, 2012
CHRIA/RTKL, Prisoner mailbox rule, <i>lis pendens</i> , adjudicator of RTKL dispute not properly named as party to an appeal	<i>Barros v. City of Allentown</i> , No. 1592 C.D. 2011, 2012 Pa. Commw. Unpub. LEXIS 466 (Pa. Commw. Ct. July 5, 2012)	July 5, 2012
Mandamus action against DA appeals officer	<i>Barros v. City of Allentown</i> , No. 2129 C.D. 2012, 2013 Pa. Commw. Unpub. LEXIS 502 (Pa. Commw. Ct. July 3, 2013)	July 3, 2012
Criminal investigative records/Estoppel	<i>Coulter v. Pa. Bd. of Prob. & Parole</i> , 48 A.3d 516 (Pa. Commw. Ct. 2012)	June 14, 2012
Supplemental employment	<i>Pennsylvania State Troopers Association v. Scolforo</i> 18 A.3d 435 (Pa. Commw. Ct. 2011)	April 11, 2012
Records in possession of third party, Section 506(d)	<i>SWB Yankees LLC v. Wintermantel</i> , 18 A.3d 1145 (Pa. 2011)	May 29, 2012
Mandamus, §1302(b), petition for review stays release of records	<i>Crockett v. SEPTA</i> , No. 2068 C.D. 2011, 2012 Pa. Commw. Unpub. LEXIS 365 (Pa. Commw. Ct. 2012)	May 23, 2012
Waiver, specificity, emails	<i>Easton Area Sch. Dist. v. Express Times</i> , 41 A.3d 977 (Pa. Commw. Ct. 2012) (unreported)	April 30, 2012
Training of DOC employee, 708(b)(1), burden of proof	<i>Dep't of Corr. v. Gardner</i> , No. 631 C.D. 2011, 2012 Pa. Commw. Unpub. LEXIS 300 (Pa. Commw. Ct. 2012)	April 27, 2012
Mootness/Pre-decisional deliberations	<i>Phila. Public School Notebook v. SD of Phila.</i> 41 A.3d 976 (Pa. Commw. Ct. 2012)	April 26, 2012
Attorney work product	<i>Rittenhouse v. Bd. of Supervisors</i> , 41 A.3d 975 (Pa. Commw. Ct. 2012)	April 5, 2012

Attorney General appeal, evidence of nonexistence of records	<i>James v. Sumner</i> , No. 1139 C.D. 2011, 2012 Pa. Commw. Unpub. LEXIS 241 (Pa. Commw. Ct. 2012)	April 5, 2012
708(b)(17)(vi)(A), in camera	<i>Stephenson Group Natural Gas Co. v. Pa. Dep't of Environmental Protection</i> , No. 934 C.D. 2011, 2012 Pa. Commw. Unpub. LEXIS 240 (Pa. Commw. Ct. 2012)	April 4, 2012
Fees for prior requests/response times/waiver/extension of time to respond	<i>PennDOT v. Drack</i> , 42 A.3d 355 (Pa. Commw. Ct. 2012)	March 27, 2012
Investigative records	<i>PUC v. Gilbert/Wall Street Journal</i> ⁴⁰ A.3d 755 (Pa. Commw. Ct. 2012)	March 27, 2012
Home address, dates of birth	<i>Del. County v. Schaefer</i> , 45 A.3d 1149 (Pa. Commw. Ct. 2012)	March 22, 2012
Attorney-client privilege, bankruptcy proceeding, stay does not bar RTK request	<i>Dages v. Carbon County</i> , 44 A.3d 89 (Pa. Commw. Ct. 2012)	March 20, 2012
Waiver; research; use of records leading to exempt information	<i>Hous. Auth. v. Van Osdol</i> , 40 A.3d 209 (Pa. Commw. Ct. 2012)	March 8, 2012
Jurisdiction, insurance	<i>Greenberger v. Pa. Ins. Dep't</i> , 39 A.3d 625 (Pa. Commw. Ct. 2012)	March 7, 2012
Specificity, refashioning request on appeal	<i>Pennsylvania Housing Finance Agency v. Ali</i> ⁴³ A.3d 532 (Pa. Commw. Ct. 2012)	March 7, 2012
506(d), discovery, <i>ex parte</i>	<i>Chester Community Charter School v. Hardy (Phila. Inquirer)</i> , 38 A.3d 1079 (Pa. Commw. Ct. 2012)	February 29, 2012
W-2 forms and 1099s, 26 USC §6103 (IRS Code)	<i>Fort Cherry Sch. Dist. v. Coppola</i> , 37 A.3d 1259 (Pa. Commw. Ct. 2012)	February 23, 2012
Electronic redaction	<i>Fort Cherry Sch. Dist. v. Acton</i> , 38 A.3d 1092 (Pa. Commw. Ct. 2012)	February 8, 2012
Emails/specificity	<i>Easton Area Sch. Dist. v. Baxter</i> , 35 A.3d 1259 (Pa. Commw. Ct. 2012)	January 24, 2012
Questions, specificity, 708(b)(17)	<i>Walker v. Pennsylvania Insurance Dep't</i> , No. 1485 C.D. 2011, 2012 Pa. Commw. Unpub. LEXIS 425 (Pa. Commw. Ct. 2012)	January 15, 2012
Emails/personal computer, specificity, attorney fees	<i>Barkeyville Borough v. Stearns</i> , 35 A.3d 91 (Pa. Commw. Ct. 2012)	January 13, 2012
Home address	<i>Marin v. Sec'y of Pa.</i> , 41 A.3d 913 (Pa. Commw. Ct. 2012), <i>affirmed</i> No. 41 MAP 2012, 2013 Pa. LEXIS 291 (Pa. Feb. 19, 2013)	January 13, 2012

Database, questions, proper request, agency obligation to respond	Gingrich v. Pa. Game Comm'n , No. 1254 C.D. 2011, 2012 Pa. Commw. Unpub. LEXIS 38 (Pa. Commw. Ct. 2012)	January 12, 2012
Specificity, cannot alter request on appeal	Dep't of Corr. v. Disability Rights Network of Pa. , 35 A.3d 830 (Pa. Commw. Ct. 2012)	January 12, 2012
708(b)(17); personal right to records v. public; due process; no right to a hearing	Mahl v. Springfield Township , No. 853 C.D. 2011, 2012 Pa. Commw. Unpub. LEXIS 36 (Pa. Commw. Ct. Jan. 11, 2012)	January 11, 2012
708(b)(1)(ii); Birth dates; waiver of balancing test	Governor's Office of Admin. v. Purcell , 35 A.3d 811 (Pa. Commw. Ct. 2011)	December 29, 2011
Employee performance reviews; 708(b)(7); remand	Pa. Dept. of Labor & Industry v. Rudberg , 32 A.3d 877 (Pa. Commw. Ct. 2011)	December 8, 2011
Emails/Specificity/quorum	Mollick v. Township of Worcester 32 A.3d 859 (Pa. Commw. Ct. 2011)	Dec. 7, 2011
Emails/personal computer; records outside of agency possession, Open Records Officer duties	In re Silberstein , 11 A.3d 629 (Pa. Commw. Ct. 2011)	Jan. 6, 2011
fee waiver request §1307(f); jurisdiction	Froehlich v. DPW , 29 A.3d 863 (Pa. Commw. Ct. 2011)	October 11, 2011
Waiver of grounds for denial	Levy v. Senate of PA	Oct. 6, 2011
Specificity, 708(b)(16); blotter; CHRIA; refashioning request	PSP v. Zloczower No. 2082 C.D. 2010, 2011 Pa. Commw. Unpub. LEXIS 822 (Pa. Commw. Ct. Oct. 4, 2011)	October 4, 2011
708(b)(16); individual right of access	DiMartino v. PSP , No. 340 C.D. 2011, 2011 Pa. Commw. Unpub. LEXIS 787 (Pa. Commw. Ct. Sept. 19, 2011); Mahoney v. PSP 339 C.D. 2011, 2011 Pa. Commw. Unpub. LEXIS 792 (Pa. Commw. Ct. Sept. 19, 2011) (companion case to DiMartino)	September 19, 2011
OOR Jurisdiction; court clerk records	Antidormi v. Lackawanna County Clerk of Courts , 2011 Pa. Commw. Unpub. LEXIS 779 (Pa. Commw. Ct. Sept. 14, 2011)	Sept. 14, 2011
Nonexistent records, affidavit, burden to prove nonexistence	Hodges v. Dept. of Health , 29 A.3d 1190 (Pa. Commw. Ct. 2011)	August 25, 2011

708(b)(17); Requester's own records, due process; exception to (b)(17); agency discretion to release	Piccone v. State Bd. Of Medicine	August 11, 2011
certified payroll records, Section 506(d); constructive possession; if such records still exist, albeit solely in the possession of the third-party contractor, the contracting agency must produce them.	Ind. Univ. of Pa. v. Atwood , No. 633 C.D. 2010, 2011 Pa. Commw. Unpub. LEXIS 668 (Pa. Commw. Ct. Aug. 10, 2011)	August 10, 2011
W2s	Office of the Budget v. Campbell 25 A.3d 1318 (Pa. Commw. Ct. 2011)	August 4, 2011
RTKL, other statute, EZ Pass, Transportation Act	Pa. Turnpike Commission v. Murphy (Patriot News) 25 A.3d 1294 (Pa. Commw. Ct. 2011)	July 19, 2011
506(d) – governmental function	Edinboro Univ. of Pa. v. Folletti , No. 1900 C.D. 2010, 2011 Pa. Commw. Unpub. LEXIS 561 (Pa. Commw. Ct. July 14, 2011)	July 14, 2011
(b)(16), investigations, re-litigation of a criminal matter	Arroyo v. DA , No. 1624 C.D. 2010, 2011 Pa. Commw. Unpub. LEXIS 513 (Pa. Commw. Ct. June 29, 2011) (708(b)(16))	June 29, 2011
Evidence, letter by solicitor is not evidence	<i>City of Philadelphia v. Juzang</i> , July Term 2010, No. 2048 (Phila. Com. Pl. June 28, 2011)	June 28, 2011
No right to appeal where fees for records not paid	Ind. Univ. of Pa. v. Loomis , 23 A.3d 1126 (Pa. Commw. Ct. 2011)	June 24, 2011
RTKL provides the exclusive means to seek redress for violations of the RTKL	Guarrasi v. Scott , 25 A.3d 394 (Pa. Commw. Ct. 2011)	June 21, 2011
waiver, home address, no right to privacy in home address	Hous. Auth. of Pittsburgh v. Office of Open Records , No. SA 10-1139, 2011 Pa. Dist. & Cnty. Dec. LEXIS 174 (Allegheny Com. Pl. June 13, 2011)	June 13, 2011
Mootness	Wisniewski v. DOC	June 10, 2011
PACT Classification Manual, 708(b)(1)	Smolsky v. Dept. Of Corrections No. 1718 C.D. 2010, 2011 Pa. Commw. Unpub. LEXIS 429 (Pa. Commw. Ct. June 1, 2011)	June 1, 2011
708(b)(2); hearing; Remand	Harrisburg Area Cmty. College v. Office of Open Records , No. 2110 C.D. 2009, 2011 Pa. Commw. Unpub. LEXIS 378 (Pa. Commw. Ct. May 17, 2011)	May 17, 2011

Definition of "record"; disruptive request; (b)(11)	<u>Office of the Governor v. Bari</u> , 20 A.3d 634 (Pa. Commw. Ct. 2011)	May 4, 2011
708(b)(10) predecisional deliberations	<u>Kaplin v. Lower Merion Twp.</u> 19 A.3d 1209 (Pa. Commw. Ct. 2011)	May 5, 2011
Contracts and 506(d)	<u>Giurintano v. Dept. of General OOR</u> , 20 A.3d 613 (Pa. Commw. Ct. 2011)	April 25, 2011
Certified payroll, possession of records, 506(d)	<u>Edinboro Univ. of Pa. v. Ford</u> , 18 A.3d 1278 (Pa. Commw. Ct. 2011)	April 21, 2011
Definition of local agency	<u>Phila. Indus. Dev. Corp. v. Ali</u> , No. 528 C.D. 2010, 2011 Pa. Commw. Unpub. LEXIS 317 (Pa. Commw. Ct. April 18, 2011)	April 18, 2011
Right to records	<u>Cabral v. Beard</u> , No. 622 MD 2010, 2011 Pa. Commw. Unpub. LEXIS 306 (Pa. Commw. Ct. April 14, 2011)	April 14, 2011
Section 1101(a), address agency grounds for denial	<u>Dep't of Corr. v. Office of Open Records</u> , 18 A.3d 429 (Pa. Commw. Ct. 2011)	April 6, 2011
Affidavit use, due process; FERPA	<u>Sherry v. Radnor Twp. School Dist.</u> 20 A.3d 515 (Pa. Commw. Ct. 2011)	April 4, 2011
Third party standing in judicial appeal; definition of record; 506(d) analysis	<u>Allegheny County Department of Administrative Services v. A Second Chance, Inc.</u> , 13 A.3d 1025 (Pa. Commw. Ct. 2011)	February 16, 2011
911 time response logs, cross streets	<u>County of York v. Czech</u> , 13 A.3d 594 (Pa. Commw. Ct. 2011)	Feb. 16, 2011
Tax collector records in the exclusive hands of the tax collector	<u>Honaman v. Twp. of Lower Merion</u> , 13 A.3d 1014 (Pa. Commw. Ct. 2011)	January 31, 2011
Presumption	<u>Office of Budget v. OOR</u> , 11 A.3d 618 (Pa. Commw. Ct. 2011)	January 16, 2011
Attorney-Client privilege, waiver, role of Agency Open Records Officer, solicitor invoices	<u>Bd. of Supervisors of Milford Twp. v. McGogney</u> , 13 A.3d 569 (Pa. Commw. Ct. 2011)	January 6, 2011
Inmate SID numbers	<u>Crew v. Dep't of Corr.</u> , No. 1006 C.D. 2010, 2010 Pa. Commw. Unpub. LEXIS 787 (Pa. Commw. Ct. Nov. 19, 2010)	November 19, 2010
Fees. Necessarily incurred. §1307(g)	<u>State Emples. Ret. Sys. v. Office of Open Records</u> , 10 A.3d 358 (Pa. Commw. Ct. 2010)	November 4, 2010
708(b)(17); burden; Vehicle Code; content of certified record	<u>PennDOT v. Office of Open Records</u> , 7 A.3d 329 (Pa. Commw. Ct. 2010)	November 1, 2010

Preliminary injunction, safety, privacy	<i>Lutz v. City of Philadelphia</i> , 6 A.3d 669 (Pa. Commw. Ct. 2010)	October 22, 2010
Third party records, commissary, inmate, directly relate	<i>Buehl v. Office of Open Records</i> , 6 A.3d 27, 28 (Pa. Commw. Ct. 2010)	October 14, 2010
708(b)(17); Redaction.	<i>Dep't of Health v. OOR</i> , 4 A.3d 803 (Pa. Commw. Ct. 2010)	September 9, 2010
708(b)(5) and due process, medical records	<i>Bigioni v. OOR</i> No. 2203 C.D. 2009, 2010 Pa. Commw. Unpub. LEXIS 559 (Pa. Commw. Ct. 2010))	August 19, 2010
Jurisdiction – court records	<i>Lackawanna County v. OOR</i> , 2 A.3d 810 (Pa. Commw. Ct. 2010) <i>Antidormi v. Lackawanna County Clerk of Courts</i>	August 11, 2010
708(b)(16) and CHRIA	<i>Mitchell v. OOR</i> , 997 A.2d 1262 (Pa. Commw. Ct. 2010)	June 29, 2010
708(b)(2), public safety	<i>Woods v. OOR</i> , (PA Board of Probation and Parole), 998 A.2d 665 (Pa. Commw. Ct. 2010)	June 10, 2010
Waiver of exemption if not raised in response	<i>Signature Information Solutions v. Aston Twp</i> , 995 A.2d 510 (Pa. Commw. Ct. 2010)	May 26, 2010
Definition of judicial agency; Register of Wills/Clerk of Orphans Court	<i>Register of Wills & Clerk of the Orphans' Court of Philadelphia License Marriage Bureau v. Office of Open Records</i> , Pa. Cmwlth., No. 1671 C.D. 2009, (March 26, 2010).	March 26, 2010
Specificity; parsing out specific from non-specific aspects of request	<i>PSP v. OOR (George)</i> , 995 A.2d 515 (Pa. Commw. Ct. 2010)	May 26, 2010
Governmental function; Section 506(d); OOR as a party in appeal	<i>East Stroudsburg v. OOR</i> 995 A.2d 496 (Pa. Commw. Ct. 2010), <i>petition for allowance of appeal denied</i> No. 440 MAL 2010, 2011 Pa. LEXIS 622 (Pa. March 16, 2011)	May 24, 2010
Names and addresses on Certified Payroll; financial record	<i>DCNR v. OOR</i> , 1 A.3d 929 (Pa. Commw. Ct. 2010)	May 24, 2010
First names of corrections officers, 708(b)(1)	<i>Stein v. Plymouth Tp.</i> , 994 A.2d 1179 (Pa. Commw. Ct. 2010)	May 19, 2010
Fee waiver request	<i>Prison Legal News v. OOR</i> , 992 A.2d 942 (Pa. Commw. Ct. 2010)	April 8, 2010

(Pa. Board of Probation and Parole; regulations; 37 Pa Code 61.2; Agency bears burden to overcome openness to show regulatory exemption applies	<i>Jones v. OOR</i> , 993 A.2d 339 (Pa. Commw. Ct. 2010)	March 31, 2010
Affidavits are sufficient evidence-attestation of nonexistence	<i>Moore v. OOR</i> , 992 A.2d 907 (Pa. Commw. Ct. 2010)	March 25, 2010
Delinquent sewer account records	<i>City of Sharon Sanitary Auth. v. Office of Open Records</i> , 2010 Pa. Dist. & Cnty. Dec. LEXIS 30 (Pa. County Ct. 2010)	January 26, 2010