



**pennsylvania**

OFFICE OF OPEN RECORDS

Erik Arneson, Executive Director

## PNA Sunshine Week Panel Discussion

*March 15, 2016*

<http://openrecords.pa.gov>

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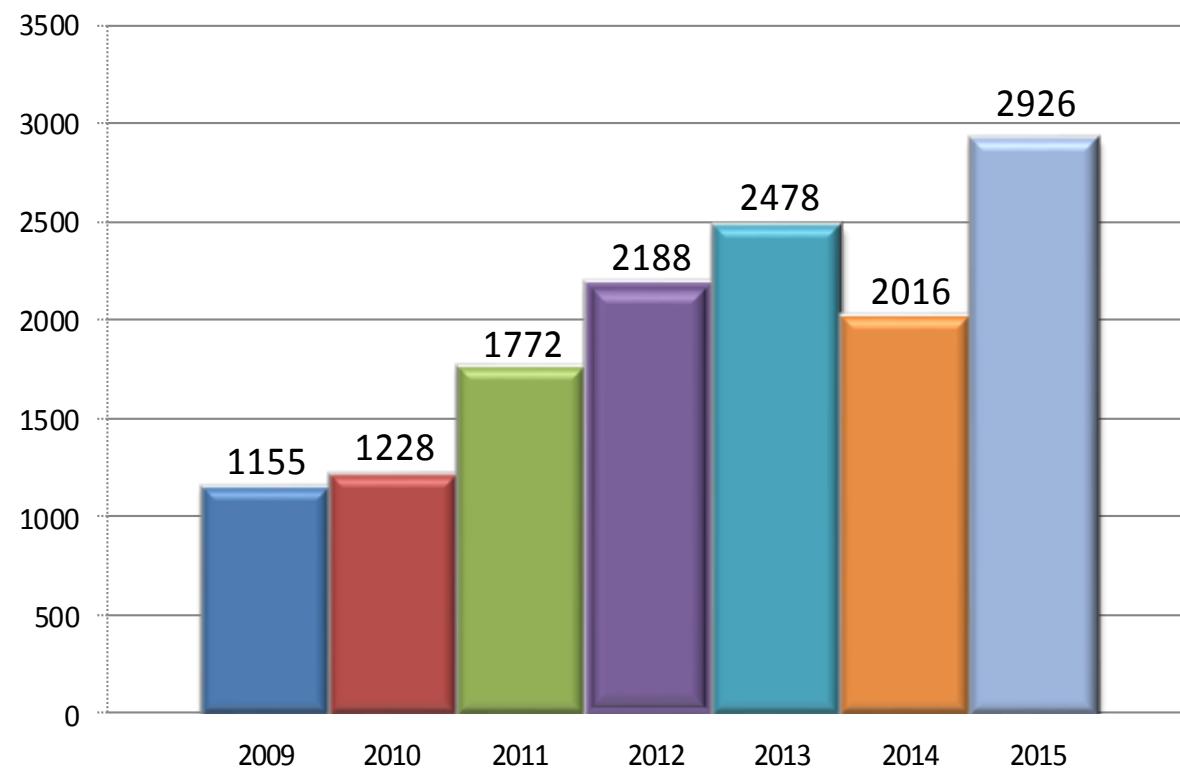
[@OpenRecordsPA](https://twitter.com/OpenRecordsPA)

[earneson@pa.gov](mailto:earneson@pa.gov)

(717) 346-9903

# Appeals Filed in 2015

**2,926 Appeals Filed w/ OOR in 2015**



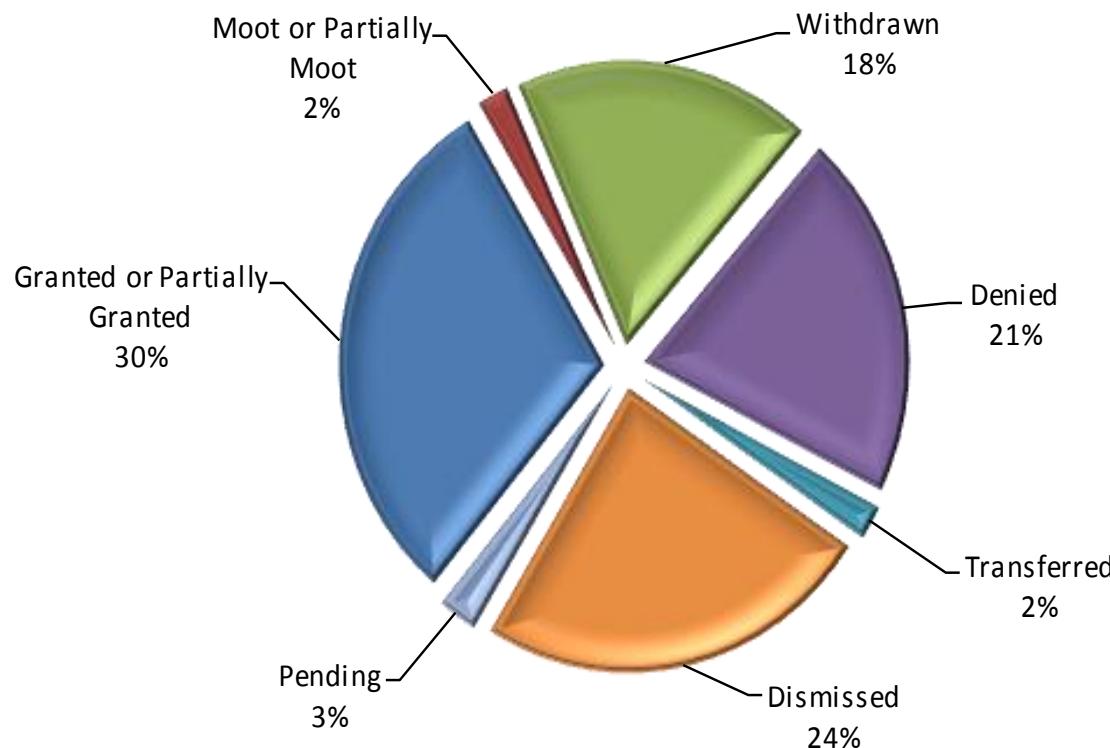
# Appeals Filed in 2015

## 2,926 Appeals Filed w/ OOR in 2015

- Requesters & agencies more sophisticated
- Complexity of cases increasing
- Issues are more nuanced
- Going forward:
  - More *in camera*, likely more hearings

# Appeals: Requester Gets Records

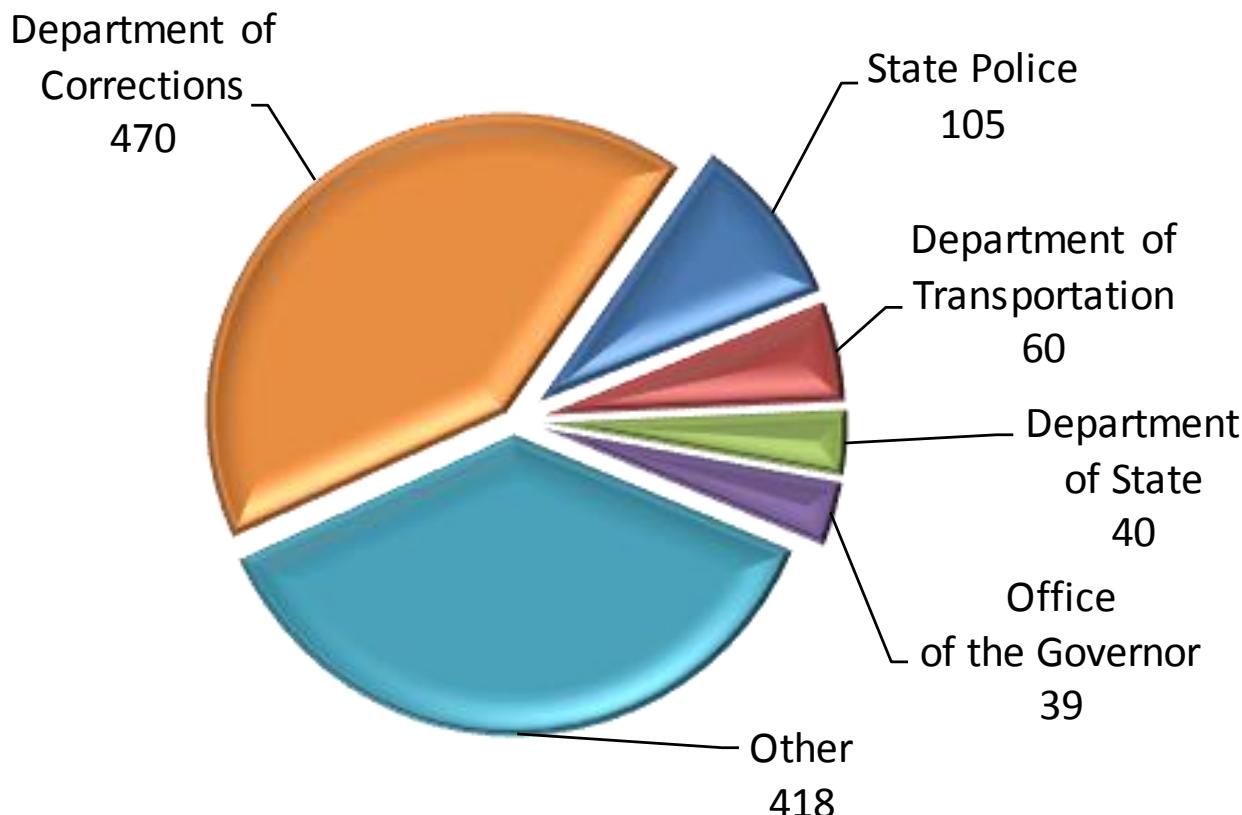
**873 Appeals Granted / Withdrawn / Moot**



*Pie chart shows results of non-inmate appeals.*

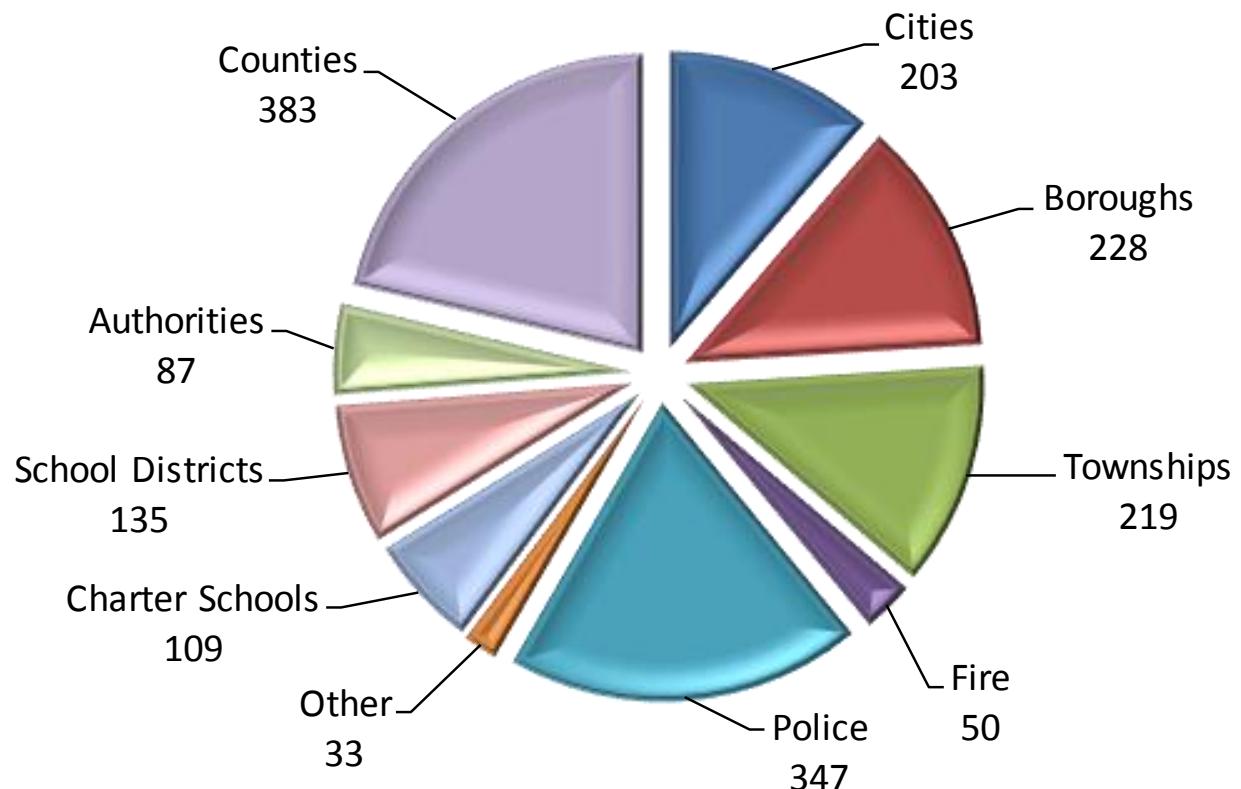
# Appeals w/ State Agencies

**1,132 Appeals Involving State Agencies in 2015**



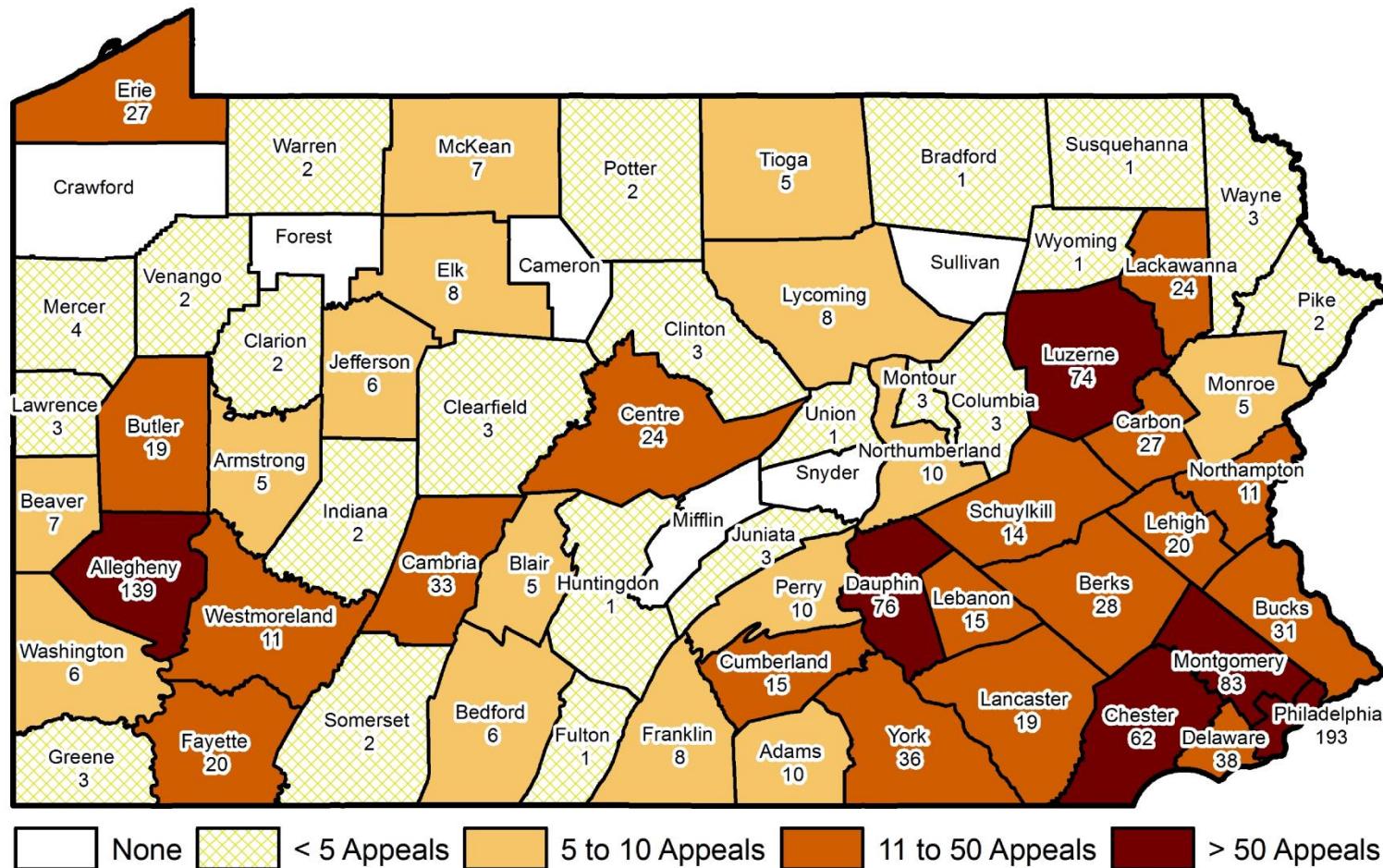
# Appeals w/ Local Agencies

**1,794 Appeals Involving Local Agencies in 2015**



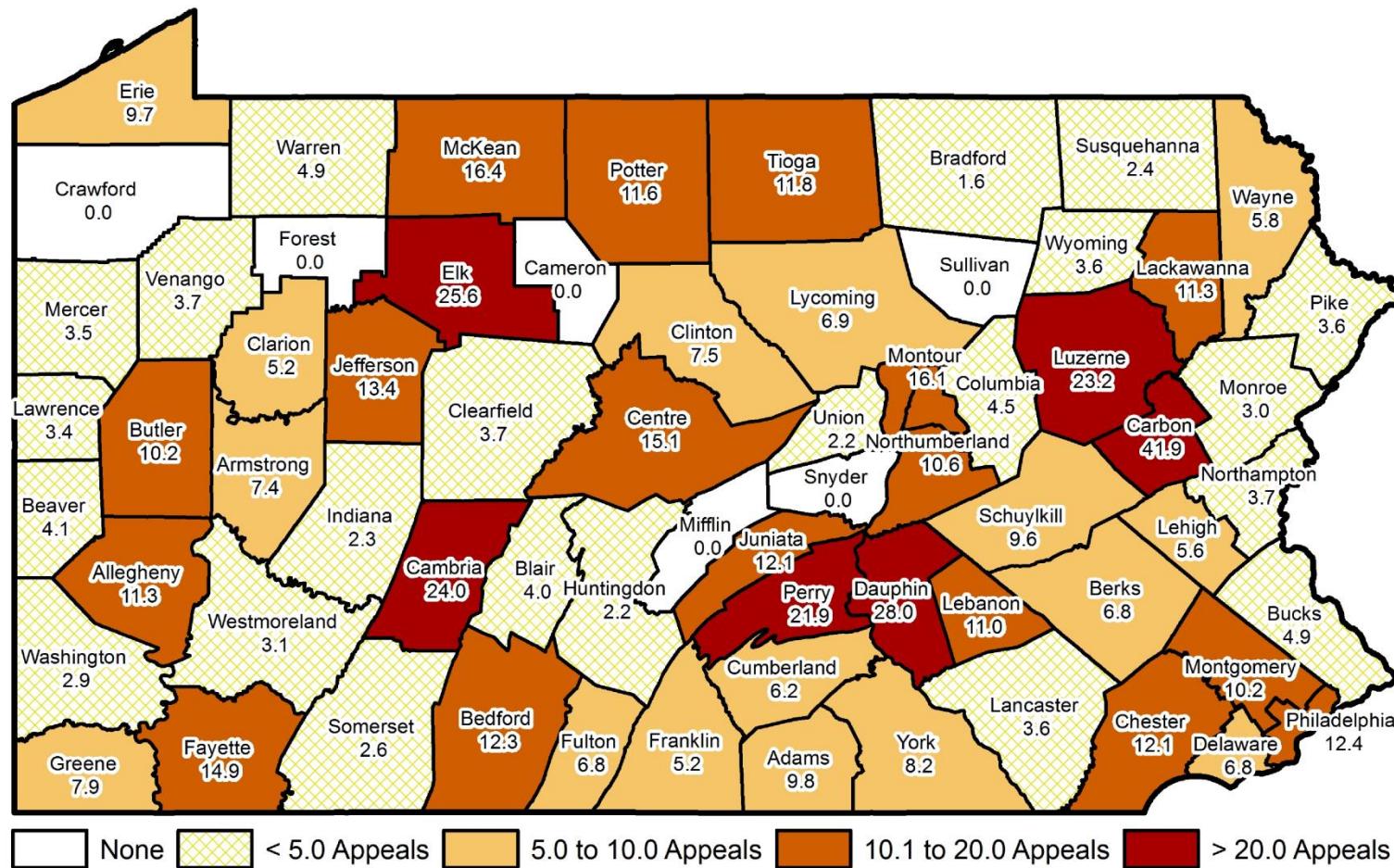
# Appeals by County (all Local Agencies)

193 Appeals Involving Agencies in Philadelphia



# Appeals by County (all Local Agencies)

**41.9 Appeals Per Capita (per 100k) in Carbon County**



# **Appellate Court Decisions**

## **5 of the Top Appellate RTKL Decisions in 2015**

- Three-part balancing test for specificity
- What emails are “records” under the RTKL
- Searching for “deleted” email records
- Mobile video recordings (MVRs) / dashcams
- Providing evidence to the OOR, not waiting

# Training

## 54 Training Sessions Across PA in 2015

- Right-to-Know Law
- Sunshine Act
- Agency training, also requester groups
- Call the OOR to discuss training ideas
  - 717-346-9903 (George Spiess)

# Mediation

## Goal: Resolve more cases informally

- OOR required to provide mediation
- Limited resources made this difficult in past
- Resources still limited, but moving forward
- Successful mediation = no further appeals
- No harm in agreeing to mediation
  - Worst-case scenario: FD is slightly delayed

# 2016 & Beyond

## What the future holds for transparency

- RTKL amendments (SB 411)
- Increase in Sunshine Act inquiries
- Video records
- Social media records (Politwoops)
- Metadata
- Something entirely unpredictable



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**THANK YOU**

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[@OpenRecordsPA](#)

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