



pennsylvania

OFFICE OF OPEN RECORDS

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<http://openrecords.pa.gov>

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Office of Open Records

Created by the Right-to-Know Law

- Decide appeals filed by people denied access to records by government agencies
- **18 total staff**
 - Executive Director & Deputy Director
 - 12 Attorneys
 - Chief of Training & Outreach
 - 3 Administrative

Office of Open Records

The OOR appeal process is simple.

- A requester denied access can appeal to OOR
 - Must file appeal w/in 15 business days
- No lawyer necessary for requester
- OOR assigns Appeals Officer to oversee case
- Both sides can present evidence & argument
- OOR has **30 days** to issue Final Determination

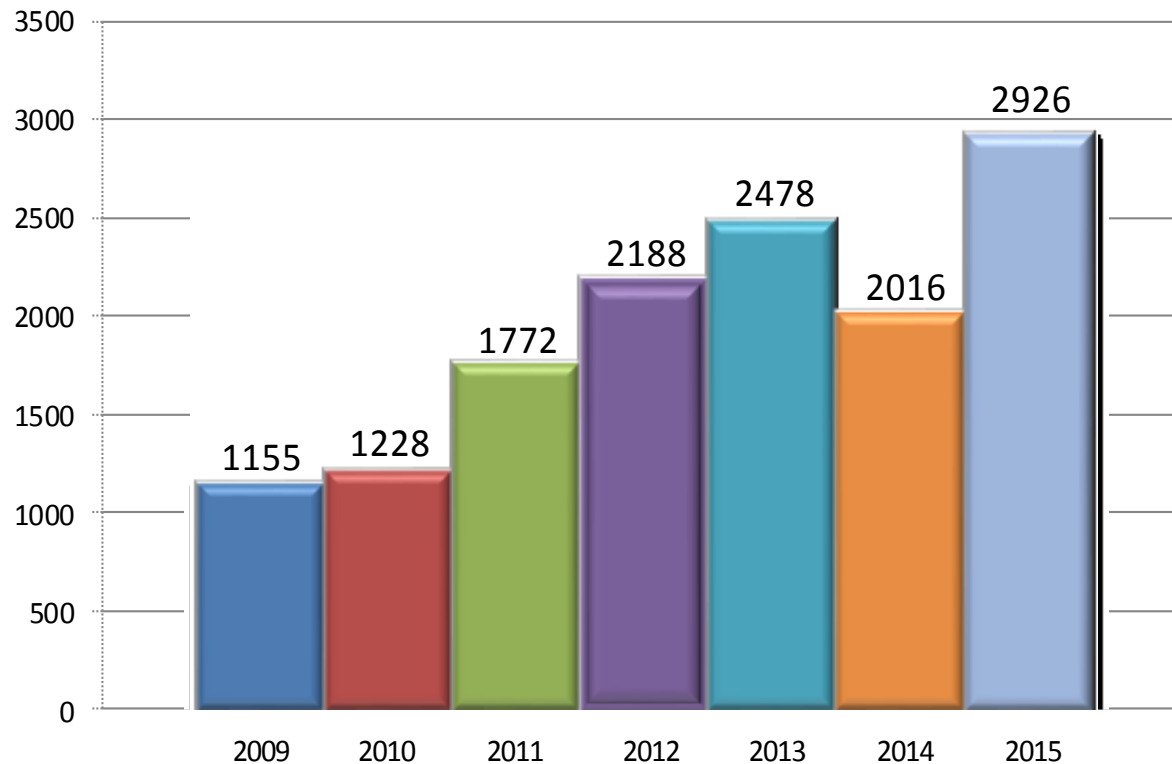
OOR Caseload

Thousands of RTK appeals are filed every year

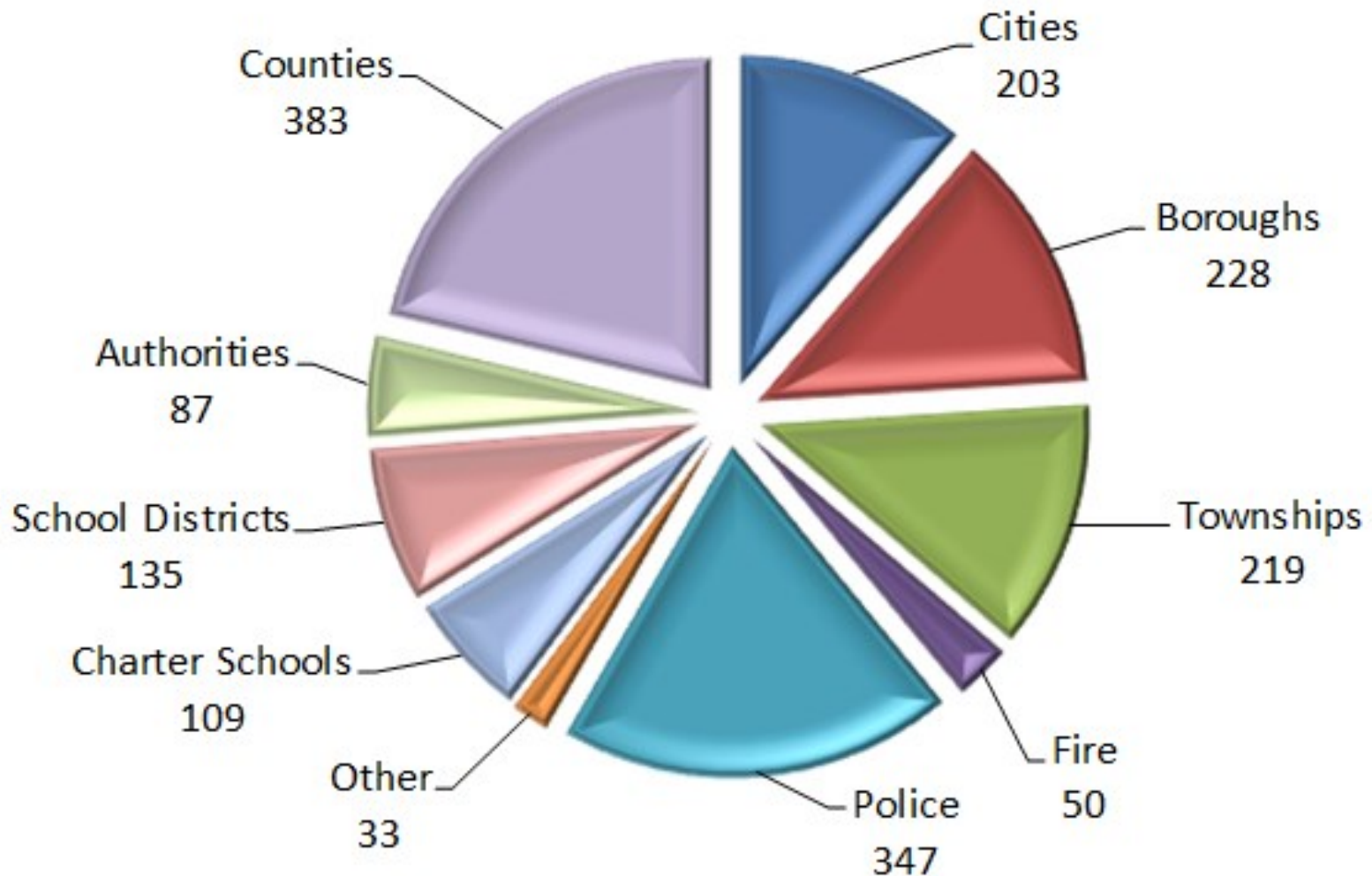
- In 2015, OOR heard **2,926 appeals**
 - That's total appeals, not total requests
 - No central database of # of requests
- Of the appeals, 61.3% involved local agencies

OOR - Appeals Filed in 2015

2,926 appeals filed w/ OOR in 2015.

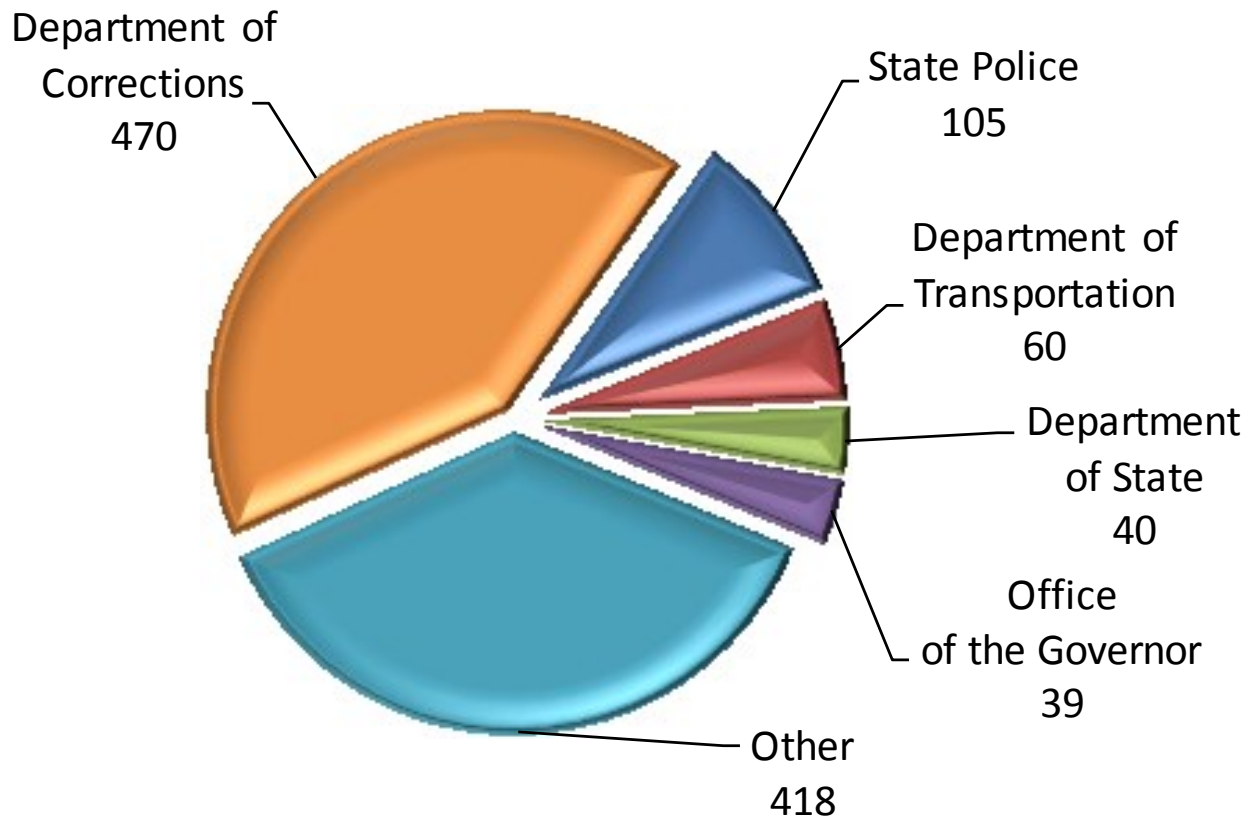


Local Agency Appeals in 2015



State Agency Appeals in 2015

1,132 appeals involving state agencies in 2015.



Records Take Many Shapes

The Right-to-Know Law...

- **Doesn't** distinguish between emails & paper
- **Doesn't** distinguish between agency devices & personal devices
- It **only cares** if the document / email / whatever is a “record” – and then if that record is a “public record”

The Office of Open Records

One of my goals is to **simplify** the RTK process for agencies & requesters

- <http://openrecords.pa.gov>
- Constantly updating content
 - YouTube videos covering the basics
 - Citizens' Guide to the RTKL
 - AORO Guidebook for agencies
 - Sample affidavit forms for agencies

Mediation

Goal: Resolve more cases informally

- OOR authorized to establish mediation
- Limited resources made this difficult in past
- Resources still limited, but moving forward
- There's **no harm in agreeing to mediation**
 - Worst-case scenario: FD is slightly delayed

Sunshine Act

Sunshine Act (Open Meetings Act) applies to...

- Any state or local government body
 - and all *committees*...
 - that perform an essential gov't function...
 - & exercises authority to take official action
- Making recommendations = official action
- OOR provides training on the Sunshine Act, but has no enforcement powers

Training from the OOR

Training on the RTKL & Sunshine Act

- OOR website filled with information
 - www.openrecords.pa.gov
- YouTube, podcast, annual training (10/26/16)
- On-site training
 - Details on OOR website
 - Or call George Spiess, 717-346-9903



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THANK YOU

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