



# pennsylvania

OFFICE OF OPEN RECORDS

## HOW TO FILE AN APPEAL

If an Agency denies a record, or a portion of a record, the requester can file an appeal with the Office of Open Records. Here is a brief overview, written for citizens, on how to file an appeal with the Office of Open Records.

The appeal must be submitted to the Office of Open Records within 15 business days of the mailing date of the Agency's response denying your record. If the Agency never responded to your request within five business days as required by law, the request is deemed denied and you can appeal to our office.

Appeals should be sent to the Office of Open Records, Commonwealth Keystone Building, 400 North St., 4th Floor, Harrisburg, PA 17120-0225. They may also be submitted via facsimile to 717-425-5343 or via email to [openrecords@state.pa.us](mailto:openrecords@state.pa.us) as a Word or PDF attachment.

You must also submit an identical copy of your appeal to the Agency that denied the records.

## WHAT FORM SHOULD I USE?

All appeals must be in writing. You may submit using the **Appeals Form** found on <http://openrecords.state.pa.us>.

## WHAT MUST I INCLUDE IN MY APPEAL?

- A. Your full name, address, telephone and fax number; and
- B. A concise statement of relevant facts including:
  - 1. The name, title, address, telephone and fax numbers, if known, of the Agency and any Agency official alleged to have denied the requester a right conferred by the RTKL;
  - 2. A description of the records requested;
  - 3. The date of the Right-to-Know request;
  - 4. The date of any response or the date the response was deemed denied;
  - 5. A statement of the grounds upon which the requester asserts that the record is a public record;
  - 6. A statement addressing any grounds stated by the Agency for delaying or denying the request, including any unusual circumstances or emergency situations that may have contributed to the delay;

7. A copy of any pertinent correspondence or other documents; and
8. A statement that all material provided by the Agency has been submitted with the appeal.

#### **HOW MANY COPIES MUST I SUBMIT?**

You must submit two copies of the material to our Office. You must also submit a copy to the Agency that denied your request.

#### **WHEN WILL I RECEIVE A DECISION?**

When the Office of Open Records receives the appeal, it has 30 days to respond from the date of receipt of the appeal to issue a Final Determination.

The Office of Open Records may conduct a hearing (which is a non-appealable decision). It may decide the case on the basis of the information filed with the Office. It may seek additional information from the involved parties. In most cases, the Office of Open Records will issue a Final Determination based on information provided to our Office without conducting a hearing.

#### **ARE DECISIONS BINDING?**

When the Office of Open Records issues a Final Determination it is binding. If the Agency or the requester want to appeal the ruling of the Office of Open Records, the appeal must be filed with the appropriate court within 30 days of the mailing of the final determination by the Office.