

2. A report of all revenues received by the [Authority], sorted and labelled by fiscal year, for fiscal years 2005 ... [through] 2015.
3. Any and all documents reflecting revenues received by the [Authority] for fiscal years 2005 ... [through] 2015.
4. A report of all expenditures of funds by the [Authority], sorted and labelled by fiscal year, for fiscal years 2005 ... [through] 2015.
5. Any and all documents reflecting expenditures of funds by the [Authority] for fiscal years 2005 ... [through] 2015.
6. All invoices, account, voucher, contract or other document reflecting an obligation to remit payment to any person or entity by the [Authority], sorted and labelled by fiscal year, for fiscal years 2005 ... [through] 2015.
7. All W-2 forms and Internal Revenue Code 1099 forms prepared by or on behalf of the [Authority], sorted and labelled by fiscal year, for fiscal years 2005 ... [through] 2015.
8. All expense reports or reimbursements for expenses submitted to the [Authority] by any employee, contractor, board members, or other such related person or entity, sorted and labelled by fiscal year, for fiscal years 2005 ... [through] 2015.
9. All checks, receipts, and statement(s) of electronic transmission for payments made by the [Authority], sorted and labelled by fiscal year, for fiscal years 2005 ... [through] 2015.
10. All board packets, meeting agendas, executive director reports, or any other documents prepared by the [Authority] or any of its employees or contractors that were distributed at any official meetings of the Authority, sorted and labelled by fiscal year, for fiscal years 2005 ... [through] 2015.
11. Annual audits of the [Authority], sorted and labelled by fiscal year, for fiscal years 2005 ... [through] 2015.
12. All Requests for Proposals, Requests for Information, Requests for Qualifications, or other similar requests, issued by the [Authority], sorted and labelled by fiscal year, for fiscal years 2005 ... [through] 2015.
13. Any and all records, including electronic and written communications, relating to the evaluation, award justification(s), or award notifications for each Request(s) for Proposals, Request(s) for Information, Request(s) for Qualifications, or other similar requests, issued by the [Authority], sorted and labelled by fiscal year, for fiscal years 2005 ... [through] 2015.

14. All contracts awarded or entered into by the [Authority], sorted and labelled by fiscal year, for fiscal years 2005 ... [through] 2015.
15. Any and all scopes of work or other instructions provided to contractors for work contracted by and with the [Authority], sorted and labelled by fiscal year, for fiscal years 2005 ... [through] 2015.
16. Any and all contracts, including employment agreements, by or involving Henry Sciortino and the [Authority], including any such agreements that identify the Commonwealth of Pennsylvania and/or any of its departments, agencies, authorities, or other related units of government that were in effect during the fiscal years 2005 ... [through] 2015.
17. Any and all audits of funds, bank statements, statements of earned interest, or other documents that disclose or reflect funds deposited, withdrawn and the amount of interest earned on the funds held in any account controlled by or on behalf of the [Authority], sorted and labelled by fiscal year, for fiscal years 2005 ... [through] 2015.
18. Any and all audits of funds, bank statements, statements of earned interest, or other documents that disclose or reflect funds deposited, withdrawn and the amount of interest earned on state gaming money transmitted to the [Authority] pursuant to Act 71 of 2004, sorted and labelled by fiscal year, for fiscal years 2005 ... [through] 2015.
19. Any and all electronic or written communications, including e-mails ..., letters, notes, memoranda, text messages, voice messages, and other communications by and between Henry Sciortino, or Nicholas Varischetti, or Dana A. Yealy and any other person related to the acquisition of the JD Edwards Enterprise Resource System operated by the City of Pittsburgh and Allegheny County for the period beginning December 7, 2004 to the present.
20. Any and all written and electronic communications regarding ERP systems and payroll systems of the City of Pittsburgh, County of Allegheny from or to board members (including but not limited to [Authority] Chairs James Smith, William Lieberman, Barbara McNees, John Murray and Nicholas Varischetti), executive directors and any elected officials.
21. Any and all electronic or written communications (including the email addresses) of any public officials, current or past [Authority] board members and Chairs and [p]ublic officials related to RFP, award or consideration of award of professional services agreements including but not limited to professional services agreements for legal services,

computer related services, ERP services for the [Authority] or the City of Pittsburgh, and other consultant firms.

22. Any and all electronic or written communications, including e-mails ..., letters, notes memoranda, text messages, voice messages, and other communications by and between Henry Sciortino, or Nicholas Varischetti, or Dana A. Yealy and any other person related to the implementation of the new payroll processing system in the City of Pittsburgh and any official action of the [Authority] related to the implementation of said system for the period beginning December 7, 2004 to the present.
23. Any and all electronic or written communications, including e-mails ..., letters, notes, memoranda, text messages, voice messages, by and between Henry Sciortino, or Nicholas Varischetti, or Dana A. Yealy and any other person related to withholding or potential withholding of any funds from the City of Pittsburgh that were disbursed to the [Authority] pursuant to Pennsylvania act 71 of 2004 for the period beginning December 7, 2004 to the present.
24. Any electronic or written record reflecting communications between the [Authority] to the Pennsylvania Department of Community and Economic Development concerning any action to disapprove any city of Pittsburgh budget or five[-]year financial plan at any point for the period beginning December 7, 2004 to the present.
25. Any electronic or written record reflecting official notice by the [Authority] to the Pennsylvania Department of Community and Economic Development of an action to disapprove of any City of Pittsburgh budget or five[-]year financial plan at any point for the period beginning December 7, 2004 to the present.
26. Any and all electronic or written communications, including e-mails ..., letters, notes, memoranda, text messages, voice messages, and other communications by and between Henry Sciortino, or Nicholas Varischetti, or Dana A. Yealy and any other person related to the review and approval of the annual budget for the City of Pittsburgh for the period beginning December 7, 2004 to the present.
27. Any and all documentation of donations made by any employee, contractor, or board member of the [Authority], including Henry Sciortino, or Nicholas Varischetti, or Dana A. Yealy, to any political campaign, candidate, or committee or any organization that engages in or has engaged in political or advocacy activity on the local, state or federal level for the years 2004 ... [through] 2015.

On July 22, 2015, the Authority invoked a thirty-day extension of time to respond to the Request. 65 P.S. § 67.902. On August 21, 2015, the Authority partially denied the Request, arguing that Items 3, 5, 6, 8-10, 13-16 and 19-26 were not specific enough to enable the Authority to ascertain which records were being requested. *See* 65 P.S. § 67.703. Additionally, the Authority argued that records may be protected by privilege, or otherwise exempt from disclosure because they reflect the internal, predecisional deliberations of the Authority, 65 P.S. § 67.708(b)(10)¹, and/or constitute notes or working papers prepared by or for Authority officials/employees, 65 P.S. § 67.708(b)(12). Finally, the Authority claims that certain audits requested in Items 17 and 18 do not exist. The Authority did, however, grant access to records responsive to Items 1, 2, 4, 11, 12, 17 and 18.

On September 11, 2015, the Requester appealed to the OOR, challenging only the denial (or partial denial) of Items 3, 5, 6, 8-10 and 13-26 of the Request and stating grounds for disclosure. The OOR invited the parties to supplement the record, and directed the Authority to notify third parties of their ability to participate in the appeal. *See* 65 P.S. § 67.1101(c).

On October 1, 2015, the Authority submitted a position statement and the statement made under the penalty of perjury of Henry Sciortino, the Authority's Open Records Officer. The Requester did not submit any additional information on appeal.

LEGAL ANALYSIS

“The objective of the Right to Know Law ... is to empower citizens by affording them access to information concerning the activities of their government.” *SWB Yankees L.L.C. v. Wintermantel*, 45 A.3d 1029, 1041 (Pa. 2012). Further, this important open-government law is

¹ On appeal, the Authority purports to invoke the deliberative process privilege; however, because “[t]he predecisional deliberative exception set forth in Section 708(b)(10)(i) codifies the deliberative process privilege,” there is no need to separately address the deliberative process privilege. *Office of the Governor v. Scolforo*, 65 A.3d 1095, 1100 (Pa. Commw. Ct. 2013). All references to Section 708(b)(10) in this final order should be read to include the deliberative process privilege.

“designed to promote access to official government information in order to prohibit secrets, scrutinize the actions of public officials and make public officials accountable for their actions.”

Bowling v. Office of Open Records, 990 A.2d 813, 824 (Pa. Commw. Ct. 2010), *aff'd* 75 A.3d 453 (Pa. 2013).

The OOR is authorized to hear appeals for all Commonwealth and local agencies. *See* 65 P.S. § 67.503(a). An appeals officer is required “to review all information filed relating to the request” and may consider testimony, evidence and documents that are reasonably probative and relevant to the matter at issue. 65 P.S. § 67.1102(a)(2). An appeals officer may conduct a hearing to resolve an appeal; however, the decision to hold a hearing is discretionary and non-appealable. *Id.*; *Giurintano v. Pa. Dep’t of Gen. Servs.*, 20 A.3d 613, 617 (Pa. Commw. Ct. 2011). Here, neither of the parties requested a hearing; however, the OOR has the requisite information and evidence before it to properly adjudicate this matter.

The Authority is a Commonwealth agency subject to the RTKL that is required to disclose public records. 65 P.S. § 67.301. Records in the possession of a Commonwealth agency are presumed to be public, unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. Upon receipt of a request, an agency is required to assess whether a record requested is within its possession, custody or control and to respond within five business days. 65 P.S. § 67.901. An agency bears the burden of proving the applicability of any cited exemption(s). *See* 65 P.S. § 67.708(b).

Section 708 of the RTKL clearly places the burden of proof on the public body to demonstrate that a record is exempt. In pertinent part, Section 708(a) states: “(1) The burden of proving that a record of a Commonwealth agency or local agency is exempt from public access shall be on the Commonwealth agency or local agency receiving a request by a preponderance of

the evidence.” 65 P.S. § 67.708(a). Similarly, the burden of proof in claiming a privilege from disclosure is on the party asserting that privilege. *Levy v. Senate of Pa.*, 34 A.3d 243, 249 (Pa. Commw. Ct. 2011); *Pa. Dep’t of Transp. v. Drack*, 42 A.3d 355, 364 (Pa. Commw. Ct. 2012) (“[T]he RTKL places an evidentiary burden upon agencies seeking to deny access to records even when a privilege is involved”); *In re: Subpoena No. 22*, 709 A.2d 385 (Pa. Super. Ct. 1998). Preponderance of the evidence has been defined as “such proof as leads the fact-finder ... to find that the existence of a contested fact is more probable than its nonexistence.” *Pa. State Troopers Ass’n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep’t of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)). “The burden of proving a record does not exist ... is placed on the agency responding to the right-to-know request.” *Hodges v. Pa. Dep’t of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

1. The Authority has failed to established that audits responsive to Items 17 and 18 of the Request do not exist within the Authority’s possession

The Authority asserts that the 2014 and 2015 audits responsive to Item 17 of the Request and the 2005-2008 audits responsive to Item 18 do not exist within its possession. The Requester argues that the Authority failed to produce “bank statements, statements of earned interest and other documents” responsive to Items 17 and 18 as well. As noted in its position statement, the Authority interpreted Items 17 and 18 to seek audits of each of the identified records (*i.e.*, funds, bank statements, statements of earned interest and other documents). While the Requester argues that the Authority should have provided records responsive to each type of record, the Authority’s interpretation of the Request was reasonable, as the Request referenced *audits* of each of the identified types of records. *See Granger v. Lancaster County*, OOR Dkt.

AP 2015-1193, 2015 PA O.O.R.D. LEXIS 1073; *Abolitionist Law Center v. Allegheny County*, OOR Dkt. AP 2014-1034, 2015 PA O.O.R.D. LEXIS 928.²

However, under the RTKL, an affidavit or statement made under the penalty of perjury is competent evidence to sustain an agency's burden of proof. *See Sherry v. Radnor Twp. Sch. Dist.*, 20 A.3d 515, 520-21 (Pa. Commw. Ct. 2011); *Moore v. Office of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010). Here, the Authority's unsworn statement may not be relied upon as competent evidence to withhold records under the RTKL. *See Hous. Auth. of the City of Pittsburgh v. Van Osdol*, 40 A.3d 209 (Pa. Commw. Ct. 2012) (holding that statements of counsel are not competent evidence); *City of Phila. v. Juzang*, July Term 2010, No. 2048 (Phila. Com. Pl. June 28, 2011) ("Because the letter written by City's counsel is a legal brief, it cannot be ... evidence at all"). Because Mr. Sciortino's statement does not address the existence or non-existence of the above-mentioned audits, the Authority has failed to prove these audits do not exist within its possession, custody, or control.

The OOR is mindful that an agency cannot produce records that do not exist within its "possession, custody or control" and, accordingly, is not ordering the creation of any records sought in the Request. Absent an agency providing a sufficient evidentiary basis that no records exist, the OOR will order disclosure of responsive public records. *See generally Sindaco v. City of Pittston*, OOR Dkt. AP 2010-0778, 2010 PA O.O.R.D. LEXIS 755; *Schell v. Delaware County*, OOR Dkt. AP 2012-0598, 2012 PA O.O.R.D. LEXIS 641.

² To the extent that the Requester seeks to modify the Request on appeal, a requester may not modify, explain or expand upon a request on appeal. *See Pa. State Police v. Office of Open Records*, 995 A.2d 515, 516 (Pa. Commw. Ct. 2010); *Staley v. Pittsburgh Water and Sewer Auth.*, OOR Dkt. AP 2010-0275, 2010 PA O.O.R.D. LEXIS 245 ("A requester may not modify the original request as the denial, if any, is premised upon the original request as written"). The OOR's review on appeal is confined to the Request as written, and any modifications of the Request on appeal will not be considered. *See Hong v. Pa. Dep't of Transp.*, OOR Dkt. AP 2013-0328, 2013 PA O.O.R.D. LEXIS 162. However, the Requester is not prohibited from making a separate request for these records under the RTKL.

2. Portions of the Request are specific

The Authority next argues that Items 3, 5, 6, 8-10, 13-16 and 19-26 of the Request are insufficiently specific to enable the Authority to locate responsive records. 65 P.S. § 67.703. Section 703 of the RTKL states that “[a] written request should identify or describe the records sought with sufficient specificity to enable the agency to ascertain which records are being requested.” *Id.* When interpreting a RTKL request, agencies should rely on the common meaning of words and phrases, as the RTKL is remedial legislation that must be interpreted to maximize access. *See Gingrich v. Pa. Game Comm'n.*, No. 1254 C.D. 2011, 2012 Pa. Commw. Unpub. LEXIS 38 at *16 (Pa. Commw. Ct. 2012) (citing *Bowling*, 990 A.2d 813). In determining whether a particular request under the RTKL is sufficiently specific, the OOR uses the three-part balancing test employed by the Commonwealth Court in *Pa. Dep’t of Educ. v. Pittsburgh Post-Gazette*, 119 A.3d 1121 (Pa. Commw. Ct. 2015) and *Carey v. Pa. Dep’t of Corr.*, 61 A.3d 367, 372 (Pa. Commw. Ct. 2013).

First, “[t]he subject matter of the request must identify the ‘transaction or activity’ of the agency for which the record is sought.” *Pa. Dep’t of Educ.*, 119 A.3d at 1125. In *Carey*, the Commonwealth Court found a request for unspecified records (“all documents/communications”) related to a specific agency project (“the transfer of Pennsylvania inmates to Michigan”) that included a limiting timeframe to be sufficiently specific “to apprise [the agency] of the records sought.” 61 A.3d 367. Second, the scope of the request must identify a discrete group of documents (*e.g.*, type or recipient). *See Pa. Dep’t of Educ.*, 119 A.3d at 1125. Finally “[t]he timeframe of the request should identify a finite period of time for which records are sought.” *Id.* at 1126. This factor is the most fluid and is dependent upon the request’s subject matter and scope. *Id.* Failure to identify a finite timeframe will not

automatically render a sufficiently specific request overbroad; likewise a short timeframe will not transform an overly broad request into a specific one. *Id.*

a. Items 3, 5, 6, 13 and 21 of the Request are not specific

With respect to Items 3, 5, 13, and 21, the Request does not identify the specific types of records sought by the Requester; rather, these Items seek all “documents” or “communications” generated over a ten-year period regarding several broad subject matters, including the Authority’s “revenues” and “expenditures” and its “evaluation,” “justification,” and “notification” for the awarding of contracts associated with any of the Authority’s “Request(s) for Proposal, Request(s) for Information, Request(s) for Qualification, or other similar request.” Without identifying the types of records requested, specifying the government transactions or activities to which the records relate, or providing a more defined timeframe that could be used to guide the Authority’s search, the Requester has failed to sufficiently narrow the universe of possible responsive records. *See Mollick v. Twp. of Worcester*, 32 A.3d 859 (Pa. Commw. Ct. 2011) (finding a request for emails “regarding any Township business and/or activities” insufficiently specific because it “fail[ed] to specify what category or type of Township business or activity” for which information was sought); *see also Montgomery County v. Iverson*, 50 A.3d 281 (Pa. Commw. Ct. 2012) (en banc). Furthermore, while Item 6 identifies some specific types of records requested (*i.e.*, invoices, account, voucher, and contract), the language of Item 6 compels the Authority to make judgments as to whether a record reflects “an obligation to remit payment to any person or entity” to determine whether the records are responsive to the Request. *See Pa. Dep’t of Envtl. Prot. v. Legere*, 50 A.3d 260, 265 (Pa. Commw. Ct. 2012). Accordingly, Items 3, 5, 6, 13 and 21 of the Request are insufficiently specific.

It should be added that there is nothing prohibiting agencies from reaching out to a requester to clarify a request. *See generally* 65 P.S. § 67.902(a)(7) (allowing an agency to invoke a thirty-day extension of time to respond to a request when “the extent or nature of the request precludes a response within the required time period”). Likewise, requesters should include as much specificity as possible when crafting a request. Regardless, Items 3, 5, 6, 13 and 21 are insufficiently specific as written; however, the Requester is not prohibited from making a new request under the RTKL, specifically identifying the records requested.

b. Items 8, 9, 14, 16, 19, 20 and 22-26 of the Request are specific

Items 8, 9, 14, 16, 19, 20, and 22-26 seek discrete types of records (*i.e.*, checks, receipts, statements of electronic payment and contracts) and/or identify precise government activities or transactions (*i.e.*, “the acquisition of JD Edward Enterprise Resource System,” “ERP systems and payroll systems of the City of Pittsburgh, Allegheny County,” “the implementation of the new payroll processing system in the City of Pittsburgh,” etc.), which enable the Authority to narrow the scope of the Request and identify the records being requested. *See Legere*, 50 A.3d at 264-65 (holding that, because a request delineated “a clearly-defined universe of documents[,]” there was no need to make a judgment call as to whether any records were related to the request). While the Request seeks records for a ten-year period, a broad timeframe will not necessarily render an otherwise specific request overbroad. *See Pa. Hous. Fin. Agency v. Ali*, 43 A.3d 532, 536 (Pa. Commw. Ct. 2012) (concluding request for proposals and sales agreements relating to two specific projects that did not specific timeframe was sufficiently specific). Therefore, Items 8, 9, 14, 16, 19, 20 and 22-26 are sufficiently specific.

c. Items 10 and 15 of the Request are partially specific

Items 10 and 15 seek “board packets, meeting agendas, executive director reports” prepared by the Authority and distributed at an official Authority meeting and “scopes of work” provided to contractors for work contracted by the Authority, respectively. Because these portions of Items 10 and 15 seek discrete sets of records concerning certain governmental activities (*i.e.*, official meetings) or confined to particular recipients (*i.e.*, contractors), these portions of the Request are sufficiently specific, despite the large timeframe for which records are requested. *Compare Carey*, 61 A.3d at 372 (concluding request for “all records that were provided to the transferred inmates” was sufficiently specific because it sought “a discrete group of documents” limited by recipient), *with Iverson*, 50 A.3d at 284 (concluding that a request which “does not identify specific individuals, email addresses, or even departments, but requests any applicable emails sent from the [agency’s] domain to four other domains” was insufficiently specific). However, to the extent they seek “other documents” and “other instructions,” Items 10 and 15 are insufficiently specific because they do not identify the types of “documents” or “instructions” requested or provide a timeframe during which the Authority could focus its search.

3. The Authority has not proven that records are exempt from disclosure under any of the cited RTKL exemptions

The Authority argues that records responsive to Items 19, 22-24 and 26 of the Request are exempt from disclosure under Sections 708(b)(10) or 708(b)(12) of the RTKL. Section 708(b)(10) exempts from public disclosure records reflecting:

The internal, predecisional deliberations of an agency, its members, employees or officials or predecisional deliberations between agency members, employees or officials and members, employees or officials of another agency, including predecisional deliberations relating to a budget recommendation, legislative proposal, legislative amendment, contemplated or proposed policy or course of

action or any research, memos or other documents used in the predecisional deliberations.

65 P.S. § 67.708(b)(10)(i)(A). An agency must prove three elements to establish this exemption: (1) the deliberations reflected are internal to the agency; (2) the deliberations reflected are predecisional, i.e., before a decision on an action, and (3) the contents are deliberative in character, i.e., pertaining to proposed action or policy-making. *See Kaplan v. Lower Merion Twp.*, 19 A.3d 1209, 1214 (Pa. Commw. Ct. 2011); *Martin v. Warren City Sch. Dist.*, OOR Dkt. AP 2010-0251, 2010 PA O.O.R.D. LEXIS 285; *Sansoni v. Pa. Hous. Fin. Agency*, OOR Dkt. AP 2010-0405, 2010 PA O.O.R.D. LEXIS 375; *Kyle v. Pa. Dep't of Cmty. and Econ. Dev.*, OOR Dkt. AP 2009-0801, 2009 PA O.O.R.D. LEXIS 310.

Section 708(b)(12) exempts from disclosure “notes and working papers prepared by or for a public official or agency employee used solely for that official’s or employee’s own personal use....” 65 P.S. § 67.708(b)(12). This exemption protects “notes and working papers created by a[] public official or employee regarding agency-related business, but not for an ‘official function.’” *Escalera v. Adams County*, OOR Dkt. AP 2011-0184, 2011 PA O.O.R.D. LEXIS 176.

In support of its arguments, the Authority relies upon the statement of Mr. Sciortino, who attests as follows:

The [Authority] possesses documents that reflect the internal deliberations of the [Authority] that occurred before a related decision.

The [Authority] claims the predecisional process privilege over these documents.

The [Authority] possesses documents that reflect notes prepared by or for a public official or agency employee used solely for that official’s or employee’s own personal use.

The [Authority] claims the Section 708(b)(12) protection over these documents.

As mentioned above, a statement made under the penalty of perjury is competent evidence to sustain an agency's burden of proof. *See Sherry*, 20 A.3d at 520-21. However, conclusory statements that records are exemption from disclosure are not sufficient to meet an agency's burden of proof. *See Office of the Governor v. Scolforo*, 65 A.3d 1095, 1103 (Pa. Commw. Ct. 2013) (“[A] generic determination or conclusory statements that records are exempt from disclosure are not sufficient to justify the exemption of public records); *cf. McGowan*, 103 A.3d at 384. Here, the Authority has neither described the agency decisions to which the records purportedly relate, nor explained the deliberative nature of the records. Furthermore, the Authority has not identified the agency officials or employees who prepared the records allegedly exempt under Section 708(b)(12). Therefore, the Authority has not met its burden of proving that the records are exempt under Sections 708(b)(10) or 708(b)(12) of the RTKL. 65 P.S. § 67.708(a).

4. The Authority has not proven that records are protected by the attorney-client privilege or attorney-work product doctrine

The Authority next argues that records are protected by the attorney-client privilege and/or the attorney-work product doctrine. *See* 65 P.S. § 67.305(a)(2). However, for the reasons set forth in section 3 above, the Authority has failed to prove that the records are protected by either privilege. The Authority does not identify the records or parts of records purportedly protected by the attorney-client privilege and/or attorney-work product doctrine. Rather, the Authority makes blanket assertions that it possesses records “reflecting ... attorney-client privileged communications” and “its attorneys’ mental impressions, opinions, conclusions, legal research, and legal theories.” However, Mr. Sciortino’s statement does not constitute sufficient evidence to establish the attorney-client privilege or the attorney-work product doctrine because it is conclusory in nature. *See Scolforo*, 65 A.3d at 1103; *see also Pa. State Police v. Muller*, No.

1834 C.D. 2014, 2015 Pa. Commw. LEXIS 408 (Pa. Commw. Ct. 2015) (noting that “bare, conclusory statements ... are insufficient under the RTKL”). Therefore, the Authority has not proven that records are protected by the attorney-client privilege or attorney-work product doctrine. Accordingly, these records are subject to public access. 65 P.S. § 67.708(a)(1).

CONCLUSION

For the foregoing reasons, the Requester’s appeal is **granted in part** and **denied in part** and the Authority is required to provide the records responsive to Items 9, 14, 16-20, and 22-26 and the portions of Items 10 and 15 found to be sufficiently specific within thirty days. 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 according to court rules as per Section 1303 of the RTKL. This Final Determination shall be placed on the OOR website: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: 12 November 2015



APPEALS OFFICER
JOSHUA T. YOUNG, ESQ.

Sent to: Brian Gabriel, Esq. (via e-mail only);
 Lourdes Sanchez-Ridge, Esq. (via e-mail only);
 Joshua Voss, Esq. (via e-mail only);
 Matthew Haverstick, Esq. (via e-mail only)