



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF

**MICHELLE CLARK,
Requester**

v.

**PENNSYLVANIA DEPARTMENT OF
CORRECTIONS,
Respondent**

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Docket No.: AP 2016-1541

The Office of Open Records (“OOR”) received the above-captioned appeal under the Right-to-Know Law, 65 P.S. §§ 67.101 *et seq.*, (“RTKL”). Upon review of the file, the appeal is dismissed for the following reason:

On August 24, 2016, Michelle Clark (“Requester”), an inmate at SCI-Cambridge Springs, filed a request (“Request”) with the Pennsylvania Department of Corrections (“Department”), seeking some newspaper articles and the results of a polygraph test. On August 26, 2016, the Department denied the Request, asserting that disclosure of the requested records would threaten personal security and public safety. *See* 65 P.S. §§ 67.708(b)(1)-(2).

On September 12, 2016, the Requester appealed to the OOR, challenging the denial and stating grounds for disclosure. On September 16, 2016, the Department submitted a letter stating that upon further consideration, it had decided to provide the requested records. *See* 65 P.S. § 67.506(c). Attached to the letter were the requested documents, which were also sent to the Requester. Accordingly, the appeal is **dismissed as moot**.

For the foregoing reason, the Department is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal or petition for review 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. However, as the quasi-judicial tribunal adjudicating this matter, the OOR is not a

proper party to any appeal and should not be named as a party.¹ This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: October 7, 2016

/s/ Blake Eilers

Blake Eilers, Esq.
Appeals Officer

Sent to: Michelle Clark, OF-8300;
Chase Defelice, Esq. (via e-mail only);
Andrew Filkosky (via e-mail only)

¹ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).