

FINAL DETERMINATION

DATE ISSUED AND MAILED: January 4, 2024

IN RE: *Hadassah Feinberg v. Dauphin County Dep't of Public Safety*; OOR Dkt. AP 2024-0041

Upon review of the appeal filed with the Office of Open Records ("OOR") to the above-referenced docket number, it is determined that the appeal is **DISMISSED** because:

The appeal is untimely. The Request was hand-delivered to the Department on November 14, 2023. The Department's response was due five business days after receipt of the Request. 65 P.S. § 67.901. On his appeal form, the Requester alleges that a response was never issued by the Department and that the Request was, therefore, deemed denied on November 21, 2023. Appeals of deemed denied Right-to-Know requests must be filed within 15 business days of the deemed denial, or by December 14, 2023 in this instance.¹ 65 P.S. § 67.1101(a)(1). The appeal was received by the OOR on January 4, 2024. The Requester is not prohibited from refiling the request and, if necessary, filing a new appeal pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

For this reason, the Department is not required to take any further action. Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review with the Dauphin County Court of Common Pleas. 65 P.S. § 67.1302(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 65 P.S. § 67.1303. 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.² All documents or communications following the issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

Issued by:

/s/ *Joshua Young*

Senior Deputy Chief Counsel
Joshua Young

Sent to: Hadassah Feinberg; Dauphin County, Agency Open Records Officer; Jeff Enders

¹ Due to the observance of the Thanksgiving holiday, Thursday, November 23, 2023 and Friday, November 24, 2023 did not count as business days for the OOR.

² *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).