

IN THE SENATE OF PENNSYLVANIA

Appeal of Talbert

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Senate RTK Appeal 03-2024

FINAL DETERMINATION
September 11, 2024

On September 10, 2024, Charles Talbert (“Requester”) submitted an appeal with this Office pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. § 67.101 *et seq.*, in which he states that on August 12, 2024, he submitted a RTKL request (“Request”) to the Senate Judiciary Committee. In his appeal, Requester states that he did not receive a response to his Request within the statutorily proscribed time; therefore, he maintains that his Request was deemed denied under the RTKL. *See* 65 P.S. § 67.901.

On September 10, 2024, this Office notified the Senate Open Records Officer, Donetta D’Innocenzo, of the appeal. In response to this notification, the Senate Open Records Officer, later that same date, submitted to this Office an “Attestation that request was not received” along with a copy of the response to the Request that she provided to the Requester as required by the RTKL.¹

Upon review of Requester’s appeal and the Senate Open Records Officer’s Attestation, it is determined that the appeal is premature. Because an appeal may only be filed from the denial or deemed denial of a request, and the Senate did not receive the Request prior to receiving the appeal, the appeal must be dismissed as premature. 65 P.S. § 67.901. The Senate is not required to take any further action.

¹ The Senate Open Records Officer’s “Attestation that request was not received” with exhibits and the Senate Open Records Officer’s response to the Request are attached collectively as “Senate Open Records Officer’s Attestation.”

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ORDER

AND NOW, this 11th day of September 2024, the appeal is DISMISSED as premature.

The Senate is not required to take any further action regarding the request.



MICHAEL GERDES
Senate Appeals Officer

APPEALING THIS DECISION TO COMMONWEALTH COURT

Within 30 days of the mailing date of this final determination, either party to this action may appeal the decision to the Commonwealth Court. 65 P.S. § 67.1301. If you have any questions about the procedure to appeal, you may call the Prothonotary of the Commonwealth Court at 717-255-1650.