

## Agencies Are Not Required to Identify Which Records are Responsive to Each Part of a Request (901)

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When responding to large requests, Open Records Officer frequently identify records that are responsive to one part of a request but not another. Does the response letter need to identify which records are responsive to each part of a request? In *Rinaldi II v Jessup Borough*, AP 2019-0728 (July 2, 2019), the Office of Open Records confirmed that, when providing records in response to a multi-part request, the Open Records Officer is **not** required to identify which records are responsive to each part of the Request.

In this case, the Borough responded to a multipart request by denying one part for being insufficiently specific and providing 400 pages of documents that were responsive to the other parts of the Request. The Borough did not, however identify which of the 400 pages were responsive to the each part of the Request.

On appeal, the OOR rejected the Requester's argument that the Borough's response was nonresponsive because it did not correlate the responsive records with a particular part of the Request. To the contrary, the OOR explained that the RTKL clearly establishes that when facing a request under the RTKL, a response and notice of extension are the two appropriate agency actions. First, Section 901 of the RTKL states that "[u]pon receipt of a written request for access to a record, an agency shall make a good faith effort to determine if the record requested is a public record...and whether the agency has possession, custody or control of the identified record, and to respond as promptly as possible..." 65 P.S. § 67.901. Second, Section 902 of the RTKL provides that an agency may invoke an extension of time to respond to a RTKL request when certain factors are present. 65 P.S. § 67.902(b). The RTKL does not require that an agency organize responsive records.

The OOR continued:

In responding to the Request, the Borough partially granted the Request providing approximately 400 pages of responsive records. Because the RTKL does not require an agency to organize the records in any manner when responding to the Request, the Borough properly provided access to those records.

Accordingly, when responding to a RTKL request, it is perfectly acceptable to simply state something along the lines of "responsive records attached" in the response letter. Agencies are not required to organize responsive records in any manner.

If you have any questions or comments, please do not hesitate to contact Chris Voltz or any of the other Municipal and School Attorneys at Tucker Arensberg, P.C.