

## OOR Explains Duty to Provide 911 Records

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In *Serfass v. Northampton County*, AP 2019-1664 (Nov. 7, 2019), the Requester sought 911 call records. The County denied the Request, arguing that the responsive records were exempt Section 708(b)(18) of the RTKL, which exempts from disclosure “[r]ecords or parts of records, except time response logs, pertaining to audio recordings, telephone or radio transmissions received by emergency dispatch personnel, including 911 recordings.” See 65 P.S. § 67.708(b)(18).

However, the plain language of the statute carves out a strict exception to the exemption for time response logs. See *Id.* Although the RTKL does not define the term “time response log,” the term is generally understood to include the time the call was received, the time the dispatcher contacted or dispatched the responding unit(s), the time the responding unit(s) responded to the dispatch, the time the responding unit(s) arrived on the scene, the time the responding unit(s) became available, and the address of the incident or the street block identifier, the cross street or the mile marker nearest the scene of the incident.

Similarly, Section 5399(a) of the 911 Emergency Communications Act provides that, “[n]otwithstanding any other law, in a response to a request under [the RTKL], a PSAP may not release individual identifying information of an individual calling a 911 center, victim or witness.” 35 Pa.C.S. § 5399(a). The statute defines the term “identifying information” to include a name, telephone number and home address. See 35 Pa.C.S. § 5399(c). The term does not include “[t]he location of the incident, unless the location is the caller’s, victim’s or witness’s home address or the disclosure of the location would compromise the identity of the caller, victim or witness,” nor does the term include “[t]he street block identifier, the cross street or the mile marker nearest the scene of the incident, which shall be public.” See *id.*

Accordingly, time response logs are public information subject to the redaction of certain material pursuant to the 911 Emergency Communications Act. Importantly, as the OOR noted, neither 65 P.S. § 67.708(b)(18) nor 35 Pa.C.S. § 5399 expressly prohibits the disclosure of all 911 records. Therefore, the OOR directed the County to provide time response logs redacted pursuant to the 911 Emergency Communications Act.

Municipal Open Records Officers frequently receive requests for 911 records. Accordingly, it is critical they understand what can and cannot be released and this recent determination by the OOR provides helpful guidance.

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.