

OOR Confirms that Local Agencies are not Required to Respond to Anonymous RTKL Requests

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In *Anonymous v. Norristown Municipality*, AP 2020-2496, the Municipality received a request for records about a police officer from a Requester identified only as “E3E3” that was sent from admin@e3e3.com. The Municipality denied the Request and the Requester appealed.

On appeal, the OOR held that the Requester was not a proper “requester” under the RTKL. A “requester” is defined by the RTKL as “[a] person that is a legal resident of the United States....” See 65 P.S. § 102. Thus, under the RTKL, a requester must both be a “person” and “a legal resident of the United States.” While not defined by the RTKL, the Statutory Construction Act of 1972 defines the term “person” to include “a corporation, partnership, limited liability company, business trust, other association, government entity (other than the Commonwealth), estate, trust, foundation or natural person.” 1 Pa.C.S. § 1991.

While the Statutory Construction Act defines the term “person” broadly to include natural persons, governmental, corporate and other similar entities, the Request simply identified the Requester as “E3E3” and the OOR concluded that there was no evidence that Requester was an identified “person that is a legal resident of the United States....” 65 P.S. § 67.102. Accordingly, the OOR found that the Requester was anonymous and did not meet the definition of a “requester” under the RTKL and dismissed the appeal. See 65 P.S. § 67.1101(a)(1) (authorizing “the requester” to file an appeal); see also *Anonymous v. Southeastern Pa. Transp. Auth.*, AP 2018-1877, 2018 PA O.O.R.D. LEXIS 1416 (finding that the anonymous requester was not a “person” entitled to seek records under the RTKL).

Accordingly, while local agencies are required to respond to requests from individuals, governmental and corporate entities, they are not required to respond to anonymous requests.

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.