



June 27, 2022

VIA EMAIL: records@americanoversight.org

Zachery Morris
American Oversight
1030 15th Street NW, Suite B255
Washington, DC 20005

RE: Right-to-Know Request Tracking Number: **2022-0476 (CO)**

Dear Requester:

The Department of Environmental Protection's (DEP) Open Records Officer received your request and assigned the above-listed tracking number to it. This letter is DEP's final response to your request under the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101-67.3104 (RTKL).

A copy of your request is enclosed and incorporated into this response.

On June 1, 2022, DEP notified you that it required an additional 30 days, until July 1, 2022, to respond to your request.

Your request is denied because it fails to identify the records being sought with sufficient specificity.

The DEP is denying your request because it is insufficiently specific. Section 703 of the RTKL states that "[a] written request should identify or describe the records sought with sufficient specificity to enable the agency to ascertain which records are being requested..." 65 P.S. §67.703. The Commonwealth Court of Pennsylvania has determined that "[t]he subject matter of the request must identify the 'transaction or activity' of the agency for which the record is sought." *Pennsylvania Dep't of Educ. v. Pittsburgh Post-Gazette*, 119 A.3d 1121, 1125 (Pa. Commw. Ct. 2015). The scope of a request must identify a discreet group of documents. *Id.*

Your request seeks emails between DEP employees and external entity domains and individuals. Requests seeking communications between multiple parties with no subject matter are insufficiently specific. *See Calabro v. Southeast Delaware County Sch. Dist.*, OOR Dkt. AP 2018-0180 (March 2, 2018) (request seeking all emails between school board members for a four-month period is not sufficiently specific). Your request does not identify a discrete group of records by transaction, activity, recipient, or category. A RTKL request is insufficiently specific when it requests a broad category of records without limitation. *Id.* The search parameter identified in your request is too broad to identify a specific transaction or activity of the DEP and it fails to provide a context to narrow the search for records. As a result, your request is insufficiently specific and does not meet the minimum requirements of the RTKL.

You may submit a revised request. It is suggested that any future request for records identify the subject matter of the records being sought by a specific transaction or activity of the Department,

that the request identify a discrete group of records by category, and that the request identify a narrow timeframe concerning the records being sought.

You have a right to appeal this response in writing to the Executive Director, Office of Open Records (OOR), 333 Market Street, 16th Floor, Harrisburg, Pennsylvania 17101. If you choose to file an appeal you must do so within 15 business days of the mailing date of this response and must provide the OOR with (1) your RTKL request, (2) all DEP responses to your RTKL request, and (3) the reasons that you think DEP erred when it responded to your request.

An appeal form is available on the OOR website at <http://www.openrecords.pa.gov/Appeals/HowToFile.cfm>.

Sincerely,



Jennifer M. Troutman
Agency Open Records Officer

Enclosure

cc: RTK CO Legal via email