



pennsylvania
OFFICE OF OPEN RECORDS

May 17, 2013

Via e-mail only:

Ryan Bagwell
5219 Shorecrest Drive
Middleton, WI 53562
ryan@ryanbagwell.com

Via e-mail only:

William Rozier
Agency Open Records Officer
PA State Police
1800 Elmerton Avenue
Harrisburg, PA 17110
RA-psprighttoknow@pa.gov

RE: OFFICIAL NOTICE OF APPEAL - DOCKET # AP 2013-0879

Dear Parties:

Please review the information below carefully as it affects your legal rights.

The Office of Open Records ("OOR") received this appeal under the Right-to-Know Law, 65 P.S. §§ 67.101, *et seq.* ("RTKL") on May 17, 2013. The process to follow in submitting information to the OOR is attached. A Final Determination will be issued in 30 calendar days as set forth in the RTKL.

You may submit information and legal argument to support your position by 5:00 p.m. seven (7) business days from the date on this letter. Please include the docket number above on all submissions.

Your position must be supported by sufficient facts and citation to all relevant sections of the RTKL, case law, and Final Determinations of the OOR. **Statements of fact must be supported by an affidavit made under penalty of perjury by a person with actual knowledge.** An affidavit is required to demonstrate nonexistence of records.

Any written communication with the OOR must be provided to all parties.

The agency has the burden of demonstrating that records are not subject to public access.

Agency Notification of Third Parties: In the event records requested concern or pertain to an employee of the agency; constitute proprietary, confidential or trademarked records of a third party; or are held by a third party contractor, **the agency must notify such parties of this appeal immediately and provide proof of that notice to the OOR within 7 business days.** Such notice must be made by 1) providing a copy of all documents included with this letter; and 2) advising **that interested persons may request to participate in this appeal** (*see* 65 P.S. §67.1101(c)).

The Commonwealth Court has held that "the burden [is] on third-party contractors... to prove by a preponderance of the evidence that the [requested] records are exempt." *See Allegheny County Dep't of Admin. Servs. v. A Second Chance, Inc.*, 13 A.3d 1025, 1042 (Pa. Commw. Ct. 2011). **Failure to participate in an appeal before the OOR may be construed as a waiver of objections regarding release of the requested records.**

Please contact the assigned Appeals Officer in writing, also copying the other party, with any questions regarding the above. Thank you in advance for your cooperation in this process.

Respectfully,



Terry Mutchler
Executive Director

Enclosures:

Assigned Appeals Officer contact information
Entire appeal as filed with OOR



pennsylvania

OFFICE OF OPEN RECORDS

APPEALS OFFICER:

Kyle Applegate, Esquire

CONTACT INFORMATION:

Commonwealth of Pennsylvania
Office of Open Records
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225

PHONE:

(717) 346-9903

FACSIMILE:

(717) 425-5343

E-MAIL:

kyapplegat@pa.gov

**Preferred method of contact
and submission of information:**

EMAIL

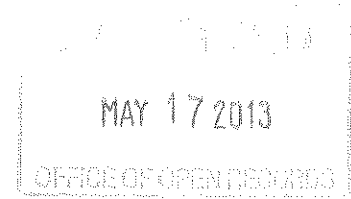
**Please direct submissions and correspondence related
to this appeal to the above Appeals Officer. Please include the case
name and docket number on all submissions.**

**You must copy the other party on everything you submit
to the OOR.**

The OOR website, <http://openrecords.state.pa.us>, is searchable and both
parties are encouraged to review prior final determinations involving similar
records and fees that may impact this appeal.



**RIGHT TO KNOW LAW APPEAL
DENIAL OR PARTIAL DENIAL**



Office of Open Records
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225

Fax: (717) 425-5343 E-mail: openrecords@pa.gov

Today's date: 5/12/13

Requester's name: Ryan Bagwell

Address/City/State/Zip: 5219 Shorecrest Drive, Middleton, WI 53562

Request submitted by: ☐ Fax ☐ Mail ☒ E-mail ☐ In-Person (Please check one)

Date of Right to Know request: 3/25/13

Date of Agency Response: 5/1/13

Telephone and fax number: 608-466-6195 /

E-mail: ryan@ryanbagwell.com

Name and address of Agency: Pennsylvania State Police, 1800 Elmerton Ave, Harrisburg, PA 17110

E-mail Address of Agency _____

Fax of Agency _____

Name and title of person who denied my request: William A. Rozier, Agency Open Records Office

I submitted a request for records to the agency named above. The agency either denied or partially denied my request. I am appealing that denial to the Office of Open Records (OOR), and I am providing the following information:

I was denied access to the following records (attach additional pages if necessary):
see attached pages

The requested records are public records because (check all that apply) **(REQUIRED)**:

- ☐ the records document the receipt or use of agency funds
- ☐ the records are in the possession, custody or control of the agency and are not subject to the exemptions cited by the agency.
- ☒ Other the request was sufficiently specific - see attached letter

The agency denied my request and I believe the denial was incorrect because (address EACH reason the agency gives for denying your request, attach additional pages if necessary) **(REQUIRED)**:

see attached sheets

- ☒ I have attached a copy of my request for records. **(REQUIRED)**
- ☒ I have attached a copy of all responses from the agency regarding my request. **(REQUIRED)**
- ☒ I have attached any letters or notices extending the agency's time to respond to my request.

Respectfully Submitted,  (must be signed)

You should provide the agency with a copy of this form and any documents you submit to the OOR.

5219 Shorecrest Drive
Middleton, WI 53562

Terri Mutchler, Executive Director
Pennsylvania Office of Open Records
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225

May 12, 2013

Dear Ms. Mutchler,

This is an appeal of a denial of a request for public records by the Pennsylvania State Police ("PSP"). On March 23, 2013, I sought:

copies of emails, memos, faxes, letters and reports that were sent or received between Nov. 1, 2011, and Dec. 31, 2012, between employees of the Pennsylvania State Police and the following individuals or entities:

1. employees of Freeh International Solutions
2. employees of The Freeh Group
3. employees of the law firm of Freeh, Sporkin & Sullivan, LLP
4. employees of the law firm of Pepper Hamilton, LLP
5. Louis Freeh (freeh@freehgroup.com)
6. Omar McNeil (mcneil@freehgroup.com)
7. Tom Cloud (cloud@freehgroup.com)
8. Greg Paw (paw@freehgroup.com)
9. any other individual whose email address contains the freehgroup.com domain (i.e. somename@freehgroup.com)

On April 1, 2013, William Rozier, the PSP's Open Records Officer, provided an initial response, in which he invoked a 30-day extension. On May 1, he denied my request because it was not sufficiently specific and asked me to provide a subject or particular incident to which the requested records might relate. Despite determining that my request was not sufficiently specific, Mr. Rozier conducted a search of PSP databases for records that might match my request. He found one such record - an investigative report - to which he wholly denied access.

This appeal does not challenge the PSP's determination that the investigative report identified by Mr. Rozier is exempt from disclosure. Instead, it seeks to overturn the PSP's determination that my request is not sufficiently specific.

ARGUMENT

Under 65 P.S. §§ 67.701(a), a written request should be sufficiently specific "to enable the agency to ascertain which records are being requested." There is no single method of determining whether a request is sufficiently specific; such determinations must be made on a case-by-case basis. "If the OOR can determine what the Requester sought, it will find the request to be sufficiently specific."¹

Requests are generally sufficiently specific if "there are no judgments to be made as to whether the documents are 'related' to the request."² Additionally, "factors such as time frame, type of record sought and subject matter" should be considered, and "if the request contains sufficient descriptive information in any or all of those categories to enable an agency to discern what information is sought and locate responsive records, it will be ordered to produce them."³

In this case, the PSP did not claim that it was unable to understand my request, nor did it claim that any part was unclear. Instead, Mr. Rozier complains that my request is too burdensome⁴. The RTKL, specifically 67.701(a), does not permit agencies withhold public records solely because a request for such records is more work than the agency would prefer to perform. "There is simply nothing in the RTKL that authorizes an agency to refuse to search for and produce documents based on the contention it would be too burdensome to do so."⁵ Without providing an explanation about how it is unable to understand which records I'm seeking, the PSP cannot deny the request based on 67.701(a).

Even if the OOR believes the PSP sufficiently described how it is unable to understand which records I'm seeking, my request is sufficiently specific because it includes two of the three parameters that generally define specificity, and it does not require the PSP to use its judgement to determine whether a record matches my request. My request sought

¹ *Lauff v. Fort Cherry School District*, OOR Dkt. No. AP 2010-0128.

² *Pennsylvania Department of Environmental Protection v. Legere*, 2012 Pa. Commw. LEXIS 229 (July 31, 2012)

³ *Hocker v. Young Scholars of Central Pennsylvania Charter School*, OOR Dkt. No. 2009-0901

⁴ "PSP would have to conduct a search of each email, letter, memo, fax and report sent or received by the PSP to accurately responds[sic] to this request." PSP denial letter of May 1, 2013; "Unless every record in the possession of the PSP is examined, PSP remains unable to confirm whether all potentially responsive records have been located." Sworn statement of William A. Rozier.

⁵ See *Legere*.

five categories of records (emails, memos, faxes, letters and reports) that were sent or received within a defined period of time (between November 1, 2011 and Dec. 31, 2012) and were sent by specific individuals or entities listed in the request. Therefore, I provided a time frame and specific types of records sought - two of the three parameters used to determine specificity. Furthermore, my request specified the sender(s) of each record sought. Since my request provided a time frame, the types of records requested and the sender(s) of each record, the request was sufficiently specific, and the OOR must grant my appeal. The lack of a subject matter cannot by itself justify a denial of public records.

In his supporting affidavit, Mr. Rozier claims my request is “overly broad” because it “could encompass multiple records involving numerous subjects” and that “PSP is incapable of a full and complete response.” A request is not overly broad solely because it seeks multiple records pertaining to multiple subjects. Similarly, use of the words “any and all” do not by themselves a request unspecific⁶.

Mr. Rozier’s claim that the PSP would have to search through “every record in the possession of the PSP” in order to fully respond to my request is simply not true. His agency only has to examine letters, memos, emails faxes and reports that were created or received during a specific period of time. Simply because the PSP does not have an organized method of cataloging and retrieving the sought-out records does not render my request insufficiently specific⁷. PSP is a statewide agency with more than 6,000 employees and an FY2013 budget of nearly \$200 million. The idea that request for specific types of records that were received within a specific period of time from a specific list of individuals can render an agency of PSP’s size and financial means “incapable” is laughable.

Finally, although Mr. Rozier attests that he attempted to search the PSP’s “databases” for responsive records, he provided no evidence that he attempted to look in other locations, including email servers, filing cabinets, other computers or even his own desk. Email, in particular, is not ordinarily stored within databases. Instead, it’s normally stored within special computers that are responsible for sending and receiving electronic mail. If the PSP does not have access to its own records, it should seek the access necessary to comply with the provisions of the RTKL. Here, Mr. Rozier made no attempt to seek such access.

CONCLUSION

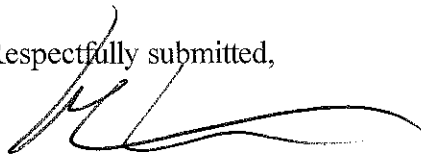
WHEREFORE, for the foregoing reasons, I respectfully request that the OOR

⁶ See Legere.

⁷ See Legere. “[A]n agency’s failure to maintain the files in a way necessary to meet its obligations under the RTKL should not be held against the requestor.”

GRANT my appeal, deem that my request is sufficiently specific, and order the PSP to search for and provide the records that are responsive to my request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ryan Bagwell', with a long horizontal flourish extending to the right.

Ryan Bagwell
Requester

Enclosures



www.google.com

RTKL Request

Ryan Bagwell <ryan@ryanbagwell.com>

Sat, Mar 23, 2013 at 5:06 PM

To: RA-psprighttoknow@pa.gov

To whom it may concern:

This is a request made pursuant to the Pennsylvania Right-to-Know Law.

I hereby request copies of e-mails, memos, faxes, letters, and reports that were sent or received between November 1, 2011, and Dec 31, 2012, between members of your agency and the following individuals or entities:

1. employees of Freeh International Solutions
2. employees of The Freeh Group
3. employees of the law firm of Freeh, Sporkin & Sullivan, LLP
4. employees of the law firm of Pepper Hamilton, LLP
5. Louis Freeh (freeh@freehgroup.com)
6. Omar McNeil (mcneil@freehgroup.com)
7. Tom Cloud (cloud@freehgroup.com)
8. Greg Paw (paw@freehgroup.com)
9. any other individual whose email address contains the freehgroup.com domain (i.e. somename@freehgroup.com).

Whenever possible, please provide the responsive records in electronic format.

Thank you for your assistance.

Ryan Bagwell
5219 Shorecrest Drive
Middleton, WI 53562
(608) 466-6195 (v)



Pennsylvania State Police
Bureau of Records & Identification
RIGHT-TO-KNOW OFFICE
1800 Elmerton Avenue
Harrisburg, PA 17110

Mailing Date: April 1, 2013

Ryan Bagwell
5219 Shorecrest Drive
Middleton, Wisconsin 53562

PSP/RTKL Request N° 2013-0151

Dear Mr. Bagwell:

On March 25, 2013, the Pennsylvania State Police (PSP) received your request for information pursuant to the Pennsylvania Right-to-Know Law (RTKL), 65 P.S. §§ 67.101 - 3104, copy is attached. Under the RTKL, a written response to your request is due on or before April 1, 2013.

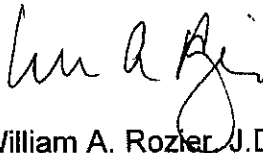
This is an interim response, not a final response, to your request. Under the provisions RTKL section § 67.902(b)(2), you are hereby notified that your request is being reviewed and the PSP will require up to an additional 30 days, i.e., until May 1, 2013, in which to respond to your request. Should your request be granted, the total for the estimated or actual fees owed, if any, will be included in our subsequent response. The reason for requiring additional time for a final response is checked below:

- ☐ Compliance with your request may require the redaction of certain information that is not subject to access under RTKL.
- ☐ Your request requires retrieval of one or more records that are stored at a remote location.
- ☐ A response by the mailing date of this letter could not be accomplished due to bona fide staffing limitations. In particular, _____.
- ☐ Your request is under legal review, which is necessary to determine whether a requested record is a "public record" for purposes of the RTKL.
- ☐ Your compliance with the following agency policies is required for access to the record(s): _____
- ☐ You must pay the applicable fees authorized by the RTKL.

X The extent or nature of the request precludes a response within the required time period.

Should you have any questions regarding this letter, please contact the undersigned.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'W. A. Rozier', written over the typed name.

William A. Rozier, J.D.
Pennsylvania State Police
Agency Open Records Officer
Bureau of Records and Identification
Right to Know Law/Subpoena Unit
1800 Elmerton Ave.
Harrisburg, PA 17110
Office: 717. 772.4894 Fax: 717.525.5795
wrozier@pa.gov

Enclosure: Request 2013-0151

4/1/13
2013-0151

MAR 25 '13 AM 11:11

Morissette, Leigh C

From: Ryan Bagwell <ryan@ryanbagwell.com>
Sent: Saturday, March 23, 2013 6:06 PM
To: SP, PSP RIGHT TO KNOW
Subject: RTKL Request

To whom it may concern:

This is a request made pursuant to the Pennsylvania Right-to-Know Law.

I hereby request copies of e-mails, memos, faxes, letters, and reports that were sent or received between November 1, 2011, and Dec 31, 2012, between members of your agency and the following individuals or entities:

1. employees of Freeh International Solutions
2. employees of The Freeh Group
3. employees of the law firm of Freeh, Sporkin & Sullivan, LLP
4. employees of the law firm of Pepper Hamilton, LLP
5. Louis Freeh (freeh@freehgroup.com)
6. Omar McNeil (mcneil@freehgroup.com)
7. Tom Cloud (cloud@freehgroup.com)
8. Greg Paw (paw@freehgroup.com)
9. any other individual whose email address contains the freehgroup.com domain (i.e. somename@freehgroup.com).

Whenever possible, please provide the responsive records in electronic format.

Thank you for your assistance.

Ryan Bagwell
5219 Shorecrest Drive
Middleton, WI 53562
(608) 466-6195 (v)



PENNSYLVANIA STATE POLICE
Bureau of Records & Identification
RIGHT-TO-KNOW OFFICE
1800 Elmerton Avenue
Harrisburg, PA 17110

Mailing Date: May 1, 2013

Ryan Bagwell
5219 Shorecrest Drive
Middleton, Wisconsin

PSP/RTKL Request N° 2013-0151

Dear Mr. Bagwell:

On March 25, 2013, the Pennsylvania State Police (PSP) received your request for information pursuant to the Pennsylvania Right-to-Know Law (RTKL), 65 P.S. §§ 67.101 – 67.3104, wherein you requested, "copies of emails, memos, faxes, letters, and reports that were sent or received between November 1, 2011, and Dec. 31, 2012, between members of your agency and the following individuals or entities:

1. employees of Freeh International Solutions
2. employees of the Freeh Group
3. employees of the law firm Freeh, Sporkin & Sullivan, LLP
4. employees of the law firm Pepper Hamilton, LLP
5. Louis Freeh
6. Omar McNeil
7. Tom Cloud
8. Greg Paw
9. other individuals whose email addresses contains the freehgroup.com domain.

A copy of your request is enclosed. By letter dated April 1, 2013, you were notified in accordance with RTKL section 67.902 (b)(2) and 1 Pa.C.S. § 1908 that the PSP required an additional thirty days, to respond to your request.

The Department has denied your request because it is not sufficiently specific. PSP would have to conduct a search of each email, letter, memo, fax and report sent or received by the PSP to accurately responds to this request. Please provide a more specific subject area or particular incident involving a PSP investigation to narrow the search perimeters. The RTKL requires that a request for records be made with "sufficient specificity to enable the agency to ascertain which records" are being

requested. 65 P.S. § 67.703; *Kantrowitz v. Great Valley School District*, OOR Dkt N° AP 2009-0646; and *Mollick v. Methacton School District*, OOR Dkt N° AP 2009-0180. In *Pennsylvania State Police v. Office of Open Records*, 995 A.2d 515, 517 (Pa. Commw. Ct. 2010), the Commonwealth Court concluded that a request for "any and all records" relating to a specific subject was not a sufficiently specific request for the agency to be required to respond under the RTKL.

Nevertheless, and without waiving the applicability of insufficiency, attempted to construe your request as specific to the Jerry Sandusky investigation. PSP's search for potential records relating to your request revealed the following responsive record: PSP Investigation Report G07-1146135, which details a PSP investigation into allegations of potential criminal conduct. Accordingly, this PSP and the components of this record is denied on its face as wholly exempt from public disclosure:

- As "a record containing all or part of a person's driver's license number, home, cellular or personal telephone number," 65 P.S. § 67.708(b)(6)(i)(A);
- As "a record of an agency relating to or resulting in a criminal investigation," 65 P.S. § 67.708(b)(16);
- As a record comprising "Complaints of potential criminal conduct..." 65 P.S. § 67.708(b)(16)(i);
- As a record comprising "investigative materials, notes, correspondence, . . . and reports," 65 P.S. § 67.708(b)(16)(ii);
- As a record "that includes the identity of a confidential source..." 65 P.S. § 67.708(b)(16)(iii);
- As "a record that includes information made confidential by law..." 65 P.S. § 67.708(b)(16)(iv);
- As a record that "includes, . . . victim information," 65 P.S. § 67.708(b)(16)(v);
- As "a record that, if disclosed, would reveal the institution, progress, and result of a criminal investigation," 65 P.S. § 67.708(b)(16)(vi)(A);
- A record that, if disclosed, would "endanger the life or physical safety of and individual." 65 P.S. § 67.708(b)(16)(vi)(E);
- A record of an agency relating to a non criminal investigation, 65 P.S. § 67.708(b)(17);

- As *"a complaint submitted to an agency."* 65 P.S. §67.708(b)(17)(i);
- As *"Investigative materials, notes, correspondence and reports."* 65 P.S. §67.708(b)(17)(ii);
- As *"a record that includes the identity of a confidential source..."* 65 P.S. §67.708(b)(17)(iii);
- As *"a record that includes information made confidential by law."* 65 P.S. §67.708(b)(17)(iv);
- As a record that, if disclosed, would, *"reveal the institution, progress or result of an agency investigation..."* 65 P.S. §67.708(b)(17)(vi)(A); and
- As *"A record identifying the name, home address or date of birth of a child 17 years of age or younger,"* 65 P.S. §67.708(b)(30).

Pennsylvania State Police v. Office of Open Records, 5 A.3d 473 (Pa. Commw. Ct. 2010) (en banc). A supporting verification accompanies this letter.

In any event, disclosing the report or its components to you would violate Pennsylvania's *Criminal History Record Information Act* (CHRIA), 18 Pa.C.S. §§ 9101-9183, which prohibits criminal justice agencies from disseminating investigative information, except to other criminal justice agencies. 18 Pa.C.S. § 9106(c)(4). CHRIA defines *"investigative information"* as *"[i]nformation assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident or an allegation of criminal wrongdoing."* 18 Pa.C.S. § 9102. Therefore, PSP is barred by CHRIA from providing you with access to the report you have requested. See *McGarvey v. Pennsylvania State Police*, OOR Docket N° AP 2009-0522 (Glinn) (CHRIA section 9106 protects criminal investigation report, in its entirety, from public disclosure).

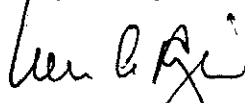
For these reasons, the responsive records are not public records under RTKL, which defines a "public record" as "[a] record . . . of a Commonwealth or local agency that: (1) is not exempt under section 708; (2) is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or (3) is not protected by a privilege." 65 P.S. § 67.102.

To the extent that your request seeks or may be construed to seek records involving covert law enforcement investigations, including, intelligence gathering and analysis, PSP can neither confirm, nor deny the existence of such records without risk of compromising investigations and imperiling individuals. Under No Circumstances, therefore, should this final response be interpreted as indicating otherwise. In all events, should such records exist, they are entirely exempt from public disclosure under the RTKL and Criminal History Record Information Act (CHRIA).

You have a right to appeal this response in writing to Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North St., 4th Floor, Harrisburg, Pennsylvania 17120. Appeal forms are available on the OOR website: <https://www.dced.state.pa.us/public/oor/appealformgeneral.pdf>. If you choose to file an appeal, then you must do so within 15 business days of the mailing date of this response and send to OOR:

- 1) this response;
- 2) your request; and
- 3) your reasons for believing that the record is public (a statement of the grounds you assert for the requested record being a public record), as well as for believing the agency has wrongly withheld the record from disclosure (a statement that addresses any ground stated by the agency for the denial). If the agency has given several reasons for withholding the record, then indicate which ones you believe to be wrong.

Respectfully,



William A. Rozier, J.D.
Agency Open Records Officer
Pennsylvania State Police
Bureau of Records & Identification
Right-to-Know Office
1800 Elmerton Avenue
Harrisburg, Pennsylvania 17110
1.877.785.7771 (Main)
717.525.5795 (Fax)

Enclosures: PSP/RTKL Request 2013-0151
 Rozier Verification

PENNSYLVANIA STATE POLICE
BUREAU OF RECORDS & IDENTIFICATION
RIGHT-TO-KNOW OFFICE

VERIFICATION OF
WILLIAM A. ROZIER
AGENCY OPEN RECORDS OFFICER

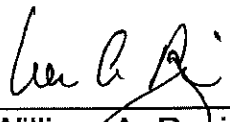
I, William A. Rozier, Agency Open Records Officer for the Pennsylvania State Police (PSP), am authorized to prepare this verification in response to this Right-to-Know Law (RTKL) Request for PSP records. Accordingly, on this 1st day of May, 2013, I verify the following facts to be true and correct, to the best of my knowledge or information, and belief:

- 1) I am familiar with PSP/RTK Request 2013-151, a copy of which accompanies this verification.
- 2) Your request is insufficiently specific because it fails to provide me sufficient facts to determine which records are sought and whether, on review, any part of the request constitutes a public record requiring disclosure.
- 3) The request is overly broad as it could encompass multiple records involving numerous subjects and thus renders PSP incapable of a full and complete response to protect any potentially responsive records under the properly asserted exceptions.
- 4) Unless every record in the possession of the PSP is examined, PSP remains unable to confirm whether all potentially responsive records have been located.
- 5) Nevertheless, I attempted to construe the request as specifically as possible.
- 6) Utilizing the information contained in the request, I searched of all Departmental databases, to which we have access, for evidence of any PSP records that may potentially respond to the request.

- 7) The searches, have identified and located one responsive record designated G07-1146135, a record assembled by PSP that was created to document a PSP investigation into Jerry Sandusky.
- 8) From my review of the record that responds to the request, I determined the entire record, including its components, clearly relates to or resulted in a PSP investigation. Furthermore, G07-1146135 contains the following components:
 - a) a record containing all or part of a person's driver's license number; home, cellular or personal telephone number;
 - b) a record of an agency relating to or resulting in a criminal investigation;
 - c) a record comprising complaints of potential criminal conduct;
 - d) a record comprising investigative materials, notes, correspondence, . . . and reports;
 - e) a record that includes the identity of a confidential source;
 - f) a record that includes information made confidential by law;
 - g) a record that includes, . . . victim information;
 - h) a record that, if disclosed, would reveal the institution, progress, and result of a criminal investigation;
 - i) a record that, if disclosed, would endanger the life or physical safety of and individual;
 - j) a record identifying the name, home address or date of birth of a child 17 years of age or younger;

- k) a record of an agency relating to a noncriminal investigation; and
 - l) a record that is **NOT** a chronological compilation of original records of entry.
- 9) Additionally, disclosing the report or its components would violate Pennsylvania's *Criminal History Record Information Act* (CHRIA), 18 Pa.C.S. §§ 9101-9183, which prohibits criminal justice agencies from disseminating investigative information, except to other criminal justice agencies. 18 Pa.C.S. § 9106(c)(4). CHRIA defines "*investigative information*" as "[i]nformation assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident or an allegation of criminal wrongdoing." 18 Pa.C.S. § 9102. Therefore, PSP is barred by CHRIA from providing access to the report. In closing, I determined G07-1146135 or any components are not a "public record," because it is exempt from disclosure by RTKL Section 708 and by CHRIA. Therefore, I have determined the records are not public and will not be publicly disclosed.

I understand false statements made in this verification are subject to the penalties under 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.



William A. Rozier, J.D.
Agency Open Records Officer
Pennsylvania State Police

4/11/13
2013-0151

MAR 25 '13 AM 8:11

Morissette, Leigh C

From: Ryan Bagwell <ryan@ryanbagwell.com>
Sent: Saturday, March 23, 2013 6:06 PM
To: SP, PSP RIGHT TO KNOW
Subject: RTKL Request

To whom it may concern:

This is a request made pursuant to the Pennsylvania Right-to-Know Law.

I hereby request copies of e-mails, memos, faxes, letters, and reports that were sent or received between November 1, 2011, and Dec 31, 2012, between members of your agency and the following individuals or entities:

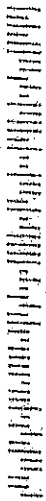
1. employees of Freeh International Solutions
2. employees of The Freeh Group
3. employees of the law firm of Freeh, Sporkin & Sullivan, LLP
4. employees of the law firm of Pepper Hamilton, LLP
5. Louis Freeh (freeh@freehgroup.com)
6. Omar McNeil (mcneil@freehgroup.com)
7. Tom Cloud (cloud@freehgroup.com)
8. Greg Paw (paw@freehgroup.com)
9. any other individual whose email address contains the freehgroup.com domain (i.e. somename@freehgroup.com).

Whenever possible, please provide the responsive records in electronic format.

Thank you for your assistance.

Ryan Bagwell
5219 Shorecrest Drive
Middleton, WI 53562
(608) 466-6195 (v)

Mr. Rya
5219 Sh
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