

Bond Case Briefs

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PUBLIC RECORDS - PENNSYLVANIA

Paint Tp. v. Clark

Commonwealth Court of Pennsylvania - February 5, 2015 - A.3d - 2015 WL 469434

Township appealed from decision of the Office of Open Records (OOR) in favor of requester, who made request under Right-to-Know Law (RTKL) for records contained on publicly funded cell phone of chairman of township's board of supervisors. After issuing order requiring township to disclose records, the Court of Common Pleas denied requester's petition for contempt, but ordered township to comply with its previous order, which required township to retrieve and provide any remaining data on publicly funded phone and to provide records of chairman's private phone. Township appealed.

The Commonwealth Court held that:

- Evidence demonstrated that records contained on phone provided by township to chairman no longer existed, such that township could not be ordered to retrieve that data, and
- Records contained on chairman's private phone constituted public records subject to disclosure.

Records contained on cell phone purchased directly by chairman of township's board of supervisors constituted public records, and thus township was required to provide the records in response to request made under Right-to-Know Law (RTKL), even though the phone was chairman's personal phone. That the phone was personal did not change the public nature of the records it contained, and township provided chairman partial reimbursement every month for the phone.