



CITY OF PHILADELPHIA

POLICE DEPARTMENT
HEADQUARTERS, FRANKLIN SQUARE
PHILADELPHIA, PENNSYLVANIA 19106

RICHARD ROSS
Commissioner

July 5, 2016

Mr. Derek Mitch
MuckRock
25696-18314120@requests.muckrock.com

RE: Pennsylvania Right-To-Know Act (RTKA) Request

Dear Mr. Mitch:

Your Pennsylvania Right-To-Know Act request dated 05-11-16 was received by this office on 05-17-16 for:

1. All proposal and approval documentation for government vehicles carrying Google stickers or branding.
2. I also request all emails sent, received or otherwise maintained by the Philadelphia Police Department relating to, concerning or about government vehicles carrying Google stickers or branding, from January 2012 to the date of this request.

On 5-24-16, correspondence was sent to you acknowledging receipt of your request and also stated that the City asserted its right to (up to) an additional 30 days to:

- a. to ascertain if the requested record does exist,
- b. for legal review to determine whether the record(s) is a record(s) subject to access under the Act,
- c. to determine if the request requires the redaction of a public record(s),
- d. for bona fide staffing limitations (in retrieving and reviewing the record(s) requested), and
- e. the requester refuses to pay applicable fees authorized by this act.

On June 21, 2016 you granted the Philadelphia Police Department (“PPD”) an extension until June 30, 2016. After processing your request, the Philadelphia Police Department responds as follows:

Item 1 of your request cannot be granted as PPD has no records responsive to your request. It is not a denial of access under the Act if the records requested do not exist. *Cf. Jenkins v. Pennsylvania Dep't of State*, O.O.R. Dkt. AP 2009-0065 (Pa. O.O.R. April 2, 2009).

Item 2 of your request is granted in part and denied in part. Please see attached for redacted records responsive to your request. This portion of your request has been denied to the extent that any responsive records reflects the “[1] internal predecisional deliberations of an agency, its members, employees or officials or [2] predecisional deliberations between agency members, employees or officials and members, employees, or officials of another agency . . . or [3] any research, memos, or other documents used in predecisional deliberations.” 65 P.S. § 67.708(b)(10)(i)(A). *See Wuertenberg v. Franklin Cnty.*, AP 2013-2162 (Pa. OOR Jan. 10, 2014) (“For a record to be deliberative in character, it must make recommendations or express opinion on legal or policy matters and is not be purely factual in nature.” (citing *Kaplin v. Lower Merion Twp.*, 19 A.3d 1209, 1214 (Pa. Commw. Ct. 2011))).

Should you wish to dispute the determination of your request, you may file an appeal with the Office of Open records as provided for in 65 P.S. § 67.1101 of the Act. You have fifteen (15) business days from the mailing date of this letter to file with the:

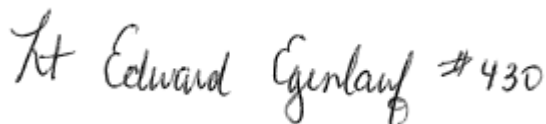
Office of Open Records
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225

Please be sure to copy Mr. Russell Crofts, Assistant City Solicitor for the City of Philadelphia Law Department on your appeal, located at One Parkway Building, 17th Floor, 1515 Arch Street, Philadelphia, PA 19102.

Be advised that if no appeal is made within the listed period, then this correspondence will serve to close this particular request with our office as permitted by law. Thank you for contacting the Philadelphia Police Department's Open Records Office

FOR THE POLICE COMMISSIONER

Sincerely,



Lieutenant Edward Egenlauf
Open Records Officer
Philadelphia Police Department
750 Race Street, Room 203
Philadelphia, PA 19106
FAX: 215-686-1183
Police.RightToKnow@phila.gov