



August 18, 2025

Erika Similo
Appeals Officer
333 Market Street
16th Floor
Harrisburg, PA 17101
Submitted via OOR Appeal E-File Portal

Appeals Officer Similo:

I am writing on behalf of Requesters David R. Osborne and the Commonwealth Foundation in response to your August 1, 2025 letter to the Open Records Officer for the Governor's Office. In your letter, you requested information from the Open Records Officer regarding the possibility of redaction as well as the nature of the information withheld.

Although the reason for a public records request is not required,¹ it may be helpful for you to better understand Requesters' interest in obtaining the requested records.

There is absolutely no place for political violence in our Commonwealth. The security breach and arson attack on the Governor's Mansion are deeply troubling and underscore the importance of ensuring the safety of elected officials and their families—something all Pennsylvanians should care about.

It is entirely appropriate for the administration to withhold sensitive operational details related to executive protection. However, that should not be used as a blanket excuse to block transparency. The public has a right to understand how government is responding to a serious breach and whether accountability and reform are taking place—especially amid calls from legislators for greater oversight and the state police commissioning a third-party expert review.²

Where systematic changes may be needed to ensure enhance security—which may require legislation or structural changes beyond the current governor—the public, lawmakers, and public interest advocacy groups should understand the recommendations made.

¹ See 65 P.S. § 67.301(b) ("A Commonwealth agency may not deny a requester access to a public record due to the intended use of the public record by the requester unless otherwise provided by law."); 65 P.S. § 67.703 ("A written request need not include any explanation of the requester's reason for requesting or intended use of the records unless otherwise required by law"); see also *Off. of the Dist. Att'y of Philadelphia v. Bagwell*, 155 A.3d 1119, 1137 (Pa. Cmwlth. 2017) ("A requester's motive under the Right-to-Know Law has been made irrelevant by the legislature.").

² See also Editorial, *Report about security failings around the arson attack on Gov. Shapiro should be made public*, PHILA. INQUIRER, May 8, 2025, <https://www.inquirer.com/opinion/editorials/shapiro-mansion-fire-arson-security-failure-report-20250508.html>.

Additionally, General Appropriations legislation³ passed by the state House included a supplemental appropriation⁴ of \$23.34 million to the Department of General Services for Governor's Residence Remediation and Security," yet no public explanation as to the need for this rather large expense has been provided. The public deserves to have some explanation for the use of their tax dollars.

Unfortunately, the Governor's Office's refusal to comply with the Office of Open Records' lawful request continues a broader pattern of evading transparency. In fact, the administration has fought past efforts to obtain public records in court—most recently losing in Commonwealth Court, which ruled against their attempt to withhold basic details about taxpayer-funded legal contracts. *Couloumbis v. Pa. Off. of Gen. Couns.*, 324 A.3d 78 (Pa. Cmwlth. 2024).

Given the public's interest in transparency, Requesters ask that you insist on an *in camera* inspection of all responsive records in this case and, if the Governor's Office will not cooperate, seek enforcement at the Commonwealth Court.

Respectfully submitted,

Dated: August 18, 2025

/s/ David R. Osborne
David R. Osborne
PA Attorney ID: 31802
Commonwealth Foundation
223 State Street
Harrisburg, PA 17101
Telephone: 717-671-1901
Facsimile: 717-510-6943
Email: dro@commonwealthfoundation.org
Counsel for Requesters

³ H.B. 1330, 2025 Gen. Assemb., Reg. Sess. (Pa. 2025), <https://www.palegis.us/legislation/bills/2025/hb1330>.

⁴ Pa. House Appropriations Committee, 2024/25 State Supplemental Appropriations, https://houseappropriations.com/files/Documents/State%20Supplemental%20Appropriations_HB1330%20PN1134%20Amendment%20--%202025-07-14_03-06-19.pdf.