

**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

PENNSYLVANIA STATE POLICE,	:	No. 662 MAL 2021
	:	
Respondent	:	
	:	Petition for Allowance of Appeal
v.	:	from the Order of the
	:	Commonwealth Court
	:	
	:	
AMERICAN CIVIL LIBERTIES UNION OF	:	
PENNSYLVANIA,	:	
	:	
Petitioner	:	

ORDER

PER CURIAM

AND NOW, this 30th day of March, 2022, the Petition for Allowance of Appeal is **GRANTED**. The issue, as stated by petitioner is:

Does a reviewing court abuse its discretion by remanding a RTKL appeal to the OOR for additional fact-finding where: (i) the reviewing court concludes that the agency has failed to meet its burden of proving the applicability of the only RTKL exception at issue in the case; (ii) the agency has never requested additional fact-finding or identified additional facts that, if added to the record, would support application of that RTKL exception; and (iii) there is no fact in dispute other than the ultimate question whether the record at issue is exempt from disclosure under the RTKL?

The Applications for Leave to Appear as *Amicus Curiae* in favor of Allowance of Appeal submitted by (i) the Pennsylvania NewsMedia Association and (ii) the Alliance for Police Accountability, the National Police Accountability Project, and the Thomas Merton Center are hereby **DENIED** as moot.