



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

Josh Shapiro  
ATTORNEY GENERAL

December 17, 2020

15<sup>th</sup> Floor, Strawberry Square  
Harrisburg, PA 17120  
(717) 783-1111

E-mail: [records@psychsearch.net](mailto:records@psychsearch.net)

Attn: Ken Kramer  
DataSearch, Inc.

**RE: Right to Know Request  
2020-220**

Dear Mr. Kramer:

This letter acknowledges receipt by the Office of Attorney General of your written request for records under the Pennsylvania Right-to-Know Law (65 P.S. § 67.101 et seq.) (“RTKL”). Your request was received by the Right to Know Office on November 9, 2020. On November 17, 2020, you were notified that a legal review was necessary to determine whether the records requested are subject to access under the RTKL and additional time was required to perform this review. As provided in the RTKL, the Office of Attorney General (“OAG”) required up to an additional 30 calendar days, or until December 17, 2020, in which to provide a final response to your request. The review has now been completed, and this letter serves as our final response to your request.

The “identified records” are those stated in your November 9, 2020 request, as modified by any subsequent communications. Specifically, your request indicates that you are seeking the following information, concerning Dr. Altaf Suleman Kasmani:

Please provide a copy of the arrest report and mug shot.

A full and complete search pursuant to the requirements of the RTKL has been conducted. It has been determined that your request must respectfully be denied, per the below provisions within the Right to Know Law.

### **CRIMINAL INVESTIGATIVE EXEMPTION**

The records you are seeking—the arrest report and mug shot of Dr. Kasmani—are records related to a criminal investigation and, under the RTKL, are excluded from disclosure based upon the criminal investigative exemption. Under this exemption, records are exempt from disclosure if they constitute “a record of an agency relating to or resulting in a criminal investigation, including complaints of potential criminal conduct other than a private criminal complaint; investigative materials, notes, correspondence, videos and reports...[a] record that includes information made confidential by law or court order...and, [a] record that, if disclosed, would...[r]eveal the institution, progress or result of a criminal investigation, except the filing of criminal charges.” 65 P.S. § 67.708(b)(16)(i),(ii),(iv) and (vi)(A). *Barros v. Martin*, 92 A.3d 1243 (Pa. Cmwlth. 2014); *Coley v. Philadelphia District Attorney’s Office*, 77 A.3d 694 (Pa. Cmwlth. 2013). The arrest report and mug shot of Dr. Kasmani, obtained by the OAG, are considered investigatory material, the disclosure of which would reveal the institution, progress or result of a criminal investigation, which qualifies them for the criminal investigative exemption as explained above.

Moreover, under the RTKL, a “public record” is a record that is “not exempt from being disclosed under any other Federal or State law or regulation.....” 65 P.S. § 67.102. Here, the records are also exempt under CHRIA.

### **CRIMINAL HISTORY RECORD INFORMATION ACT (“CHRIA”)**

Certain records are exempt under the RTKL based on CHRIA. See 65 P.S. § 67.3101.1.; 18 Pa.C.S.A. § 9106(c)(4). Under CHRIA, “[i]nvestigative...[i]nformation shall not be disseminated to any department, agency or individual unless the department, agency or individual requesting the information is a criminal justice agency which requests the information in connection with its duties...” 18 Pa.C.S.A. § 9106(c)(4). “Investigative information” is defined by CHRIA 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 and may include modus operandi information.” 18 Pa.C.S.A. § 9102. *Coley v. Philadelphia District Attorney’s Office*, 77 A.3d 694 (Pa. Cmwlth. 2013); *Mitchell v. Office of Open Records*, 997 A.2d 1262 (Pa. Cmwlth. 2010). In this instance Dr. Kasmani’s arrest report and mug shot falls within the definition of “investigative information” in CHRIA and may only be disclosed to other criminal justice agencies. Because you are not a criminal justice agency the records you are requesting cannot be disclosed to you.

### **CONCLUSION**

For the above reasons, your request has been respectfully denied in its entirety. We trust that this response addresses the intent of your request.

**RIGHT TO APPEAL**

BY PROVIDING THIS RESPONSE, THE OFFICE OF ATTORNEY GENERAL HAS SATISFIED ITS OBLIGATION TO RESPOND TO YOUR REQUEST. SHOULD YOU WISH TO CHALLENGE THIS RESPONSE UNDER THE RTKL, YOU MUST FILE AN APPEAL WITH THE RIGHT TO KNOW APPEALS OFFICER OF THE PENNSYLVANIA OFFICE OF ATTORNEY GENERAL, WITHIN FIFTEEN (15) BUSINESS DAYS OF THE MAILING DATE OF THIS LETTER. YOUR APPEAL MUST INCLUDE A COPY OF YOUR ORIGINAL REQUEST AND THIS AGENCY'S RESPONSE, STATE THE GROUNDS UPON WHICH YOU CLAIM YOUR REQUEST SHOULD NOT HAVE BEEN DENIED AND ADDRESS ALL REASONS STATED BY THIS AGENCY FOR ITS DENIAL OF YOUR REQUEST. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY RESULT IN DISMISSAL OF YOUR APPEAL. YOUR APPEAL MUST BE SENT TO THE FOLLOWING:

RIGHT TO KNOW APPEALS OFFICER  
OFFICE OF ATTORNEY GENERAL  
CIVIL LITIGATION SECTION  
15<sup>TH</sup> FLOOR STRAWBERRY SQUARE  
HARRISBURG, PA 17120

Please note that this response is being sent from an unmonitored e-mail address. Do not reply to this e-mail.

Sincerely,



Sharon K. Maitland  
Deputy Attorney General  
Right to Know Officer

SKM:mae  
2020-220