

**Attestation Regarding Confidential Nature of Requested Records in Support of the
Response of the Downingtown Area School District to the
Right to Know Request of Ann Trethewey dated January 4, 2023**

Name of Requestor: Ann Trethewey

Records Requested:

1. Copy of all documents and materials (paper or electronic) and all presentations used by the Diversity, Equity, and Inclusion (DEI) program director and DEI staff that were used to instruct or lead any training or programs to any staff, teacher, counselor or student in the Downingtown Area School District.
2. Copy of any Copyright information on materials used (paper or electronic).
3. Copy of all documents and materials (paper or electronic) and all presentations that were used to instruct or lead any cultural awareness, courageous conversations, unconscious bias and cultural proficiency training or programs to any staff, teacher, counselor or student in the Downingtown Area School District.

I, Justin Brown, hereby declare, pursuant to 18 Pa.C.S. § 4904, that the following statements are true and correct based upon my personal knowledge, information and belief:

1. I serve as the Director of Diversity, Equity and Inclusion ("DDEI") the Downingtown Area School District ("Agency") and am responsible for addressing the specific request set forth above made by the Requestor.
2. I created the materials requested above, prior to my employment by the Agency and prior to my appointment as DDEI-they were not created using the resources of the Agency, are protected by copyright and are my personal proprietary training materials.
3. These materials are not made available to the public, or other organizations (as that would substantially interfere with the confidential commercial nature of them) and I ensure the confidentiality of these materials using the following best practices and safeguards:
 - a. The materials are password protected and the credentials are maintained in confidence;
 - b. No person outside of the Agency is provided with or permitted to observe these materials;
 - c. The training that was conducted was undertaken solely within the Agency and limited to employees thereof - it is not shared with any third parties outside of Agency, such as external vendors, regulators, other Agencies, the public or any other outside entity.
 - d. The Agency employees are notified that the training is confidential and that to the extent the training is interactive, the Agency employees are assured that their participation will not be released or otherwise disclosed;




e. Agency employees understood that their answers were to be kept confidential from the public; and were only disclosed to select Agency employees to the extent necessary to evaluate the training, and;

f. Disclosing the training materials would put me and the Agency at a market disadvantage in relation to other school districts or other educational services as the training sought to be disclosed is unique, not available to the public or competing educational serviced and there is no other similar from any other districts such as this one.

4. These training materials are confidential and proprietary and I will suffer substantial commercial and competitive harm if they are made available to the public.

5. The training materials have been protected from disclosure by an opinion of the Office of Open Records issued Novemebr 18, 2022, at Docket No. AP 2022-2026

Date: 1/4/22

Signature: 
Justin Brown
Director of Diversity, Equity and Inclusion
Downingtown Area School District