

As Open Records Officer for the **Downingtown Area School District** ("School District") and pursuant to the Right to Know Act, I am in receipt of the Right to Know Law ("RTKL") request emailed January 3, 2023:

(A) A DESCRIPTION OF THE 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.

(B) SCHOOL DISTRICT RESPONSE

Your request is denied for the following reason

1. Your request is denied. Section 708(b)(11) of the RTKL exempts from disclosure "[a] record that constitutes or reveals a trade secret or confidential proprietary information." Confidential proprietary information is defined as "[c]ommercial or financial information received by an agency: (1) which is privileged or confidential; and (2) the disclosure of which would cause substantial harm to the competitive position of the person that submitted the information." See also *In The Matter Of Theresa Darr, Requester v. Pennsylvania Higher Education Assistance Agency, Respondent*, Docket No: AP 2019-1494. The information requested in this paragraph is a trade secret and would cause substantial harm to the competitive position of the person that created and submitted this information. See additional attachments.

(C) THE PROCEDURE TO APPEAL THE DENIAL OF ACCESS UNDER THE ACT

You have the following appeal rights, if you deem this a denial of your request. You may file an appeal in writing with the Office of Open Records, Eric Arneson, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120 as designated under Section 503 of the Act within 15 days of the mailing date of this response or within 15 business days of the deemed denial. The appeal shall state the grounds



upon which you assert that the record is a public record and shall address any grounds stated by this agency for delaying or denying the request. You may then have further appeal rights under the Act depending upon the decision of the Office of Open Records.

(D) DATE OF THIS RESPONSE

January 5, 2023

(E) NAME, TITLE, BUSINESS ADDRESS, BUSINESS TELEPHONE NUMBER OF OPEN RECORDS OFFICER ON WHOSE AUTHORITY THE RESPONSE IS ISSUED:



Virginia B. Warihay

Executive Assistant to the Superintendent

School Board Secretary

Open Records Officer

Downingtown Area School District

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<https://link.edgepilot.com/s/76b4fbcd/reZoY-cZ2Ea65veXtTellA?u=http://www.dasd.org/>