

Sample Affidavit Regarding Agency Possession of Records

[Agency logo / letterhead]

Attestation Regarding Agency Possession of Records

Name of Requester: [Name of Requester]

Records Requested: [Description of Request]

Appeal Caption: [OOR Caption and Docket Number]

I, [Name of Agency Open Records Officer], 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 Agency Open Records Officer (“AORO”) for the [NAME OF AGENCY] (“Agency”) and am responsible for responding to Right-to-Know requests filed with the Agency.
2. In my capacity as the AORO, I am familiar with the records of the Agency.
3. Upon receipt of the request, I conducted a thorough examination of files in the possession, custody and control of the Agency for records responsive to the request underlying this appeal, specifically... [Provide additional details regarding likely locations of responsive records, likely custodians of responsive records, the search(es) conducted and the records or types of records that were reviewed. If the search(es) included emails or other electronically stored records, identify the location(s) searched (e.g., individual email accounts, agency servers, any other servers, service providers, etc.).]
4. Additionally, I have inquired with relevant Agency personnel and, if applicable, relevant third-party contractors as to whether the requested records exist in their possession, specifically... [Provide additional details identifying the parties that were contacted, indicating whether the parties responded and describing the content of the response(s). If applicable, provide additional information]

explaining why some or all of the records do not exist or why the Agency does not possess the records.]

5. Based upon the above-described search of the Agency's files and inquiries with relevant Agency personnel, I have made the determination that the records requested are not within the Agency's possession, custody or control.

Date: _____

Signature: _____

[Name of AORO]

Agency Open Records Officer

[Name of Agency]