

Certification Form Explanation

A request under the Right-to-Know Law may seek certified copies of agency records. 65 P.S. § 67.904 (permitting a requester to seek certified copies of agency records). An agency is permitted to charge a certification fee in compliance with the OOR Fee Schedule when providing certified copies to a requester. *See* 65 P.S. § 67.1307(c) (allowing an agency to impose fees for creating certified copies of records).

While the RTKL does not define the term “certified copies,” the OOR interprets the term to mean copies of records that are self-authenticating documents under the Pennsylvania Rules of Evidence. *See* Pa.R.E. Rule 902 (relating to evidence that is self-authenticating); 42 Pa.C.S. § 6104 (relating to the effect of official records). Self-authenticating means that the party submitting the certified copies of records during a trial does not have to present witnesses testifying that the records presented are, in fact, true and correct copies of agency records. The Pennsylvania Rules of Evidence and the Judicial Code provide steps that an agency must be followed in order to certify copies of its records. *See* Pa.R.E. Rule 902 (relating to evidence that is self-authenticating); 42 Pa.C.S. § 6103 (relating to proof of official records).

This Certification Form is a sample of how an agency could comply with certification requirements under the Pennsylvania Rules of Evidence and the Judicial Code. However, an agency should consult with its solicitor or chief counsel when responding to a request for certified records utilizing this form.

[INSERT AGENCY LETTERHEAD]

CERTIFICATION

Name of Requester: [INSERT NAME OF REQUESTER]

Records Requested: [INSERT DESCRIPTION OF RECORDS REQUESTED]

I, [INSERT NAME OF OPEN RECORDS OFFICER], hereby declare under the penalty of 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 Open Records Officer for [INSERT NAME OF AGENCY] (“Agency”).
2. I am responsible for searching Agency files in response to Right-to-Know requests filed with the Agency.
3. In my capacity as Open Records Officer, I am familiar with the records of the Agency.
4. 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.
5. After conducting a good faith search of the Agency’s files, I identified all records within the Agency’s possession, custody or control that are responsive to the request.
6. The Agency records identified as responsive to the request are attached to this certification.
7. I certify that the attached documents are a complete and true copy of the original responsive records.

Date: _____

Signature: _____
[INSERT NAME OF OPEN RECORDS OFFICER]
Open Records Officer
[INSERT NAME OF AGENCY]

[AFFIX AGENCY
OFFICER’S SEAL]

I certify, under seal, that the above signer has the official capacity to attest to the information set forth above and the signature is genuine.

Signature: _____ Date: _____
[INSERT NAME OF PUBLIC OFFICER]
[INSERT TITLE OF PUBLIC OFFICER]
[INSERT NAME OF AGENCY]