

# Declaration of Custodian of Records

*(Federal Rule of Evidence 803(6) — Business Records Exception template)*

**Version:** v1.0 (subject to attorney revision) **Adaptable to:** NuWyre Officer signing  
OR Customer Officer signing (template selectable at execution time)

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## Declaration

I, **[Custodian Full Legal Name]**, of lawful age, declare under penalty of perjury under the laws of the United States of America (and, if applicable, the laws of the State of **[State]**) that the following is true and correct:

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### 1. Identity and authority

1.1 My name is **[Custodian Full Legal Name]**. I am over the age of eighteen (18), of sound mind, and competent to give this Declaration.

1.2 I hold the position of **[Title — e.g., "Founder & CEO", "Chief Compliance Officer", "Director of Records Management"]** at **[Entity Legal Name]** ("the Entity"). I have held this position since **[Date]**.

1.3 In my capacity at the Entity, I am the Custodian of Records — or am acting under the authority of the Custodian of Records — for the records identified in this Declaration.

1.4 I make this Declaration based on my personal knowledge of the Entity's records-management practices and my review of the records identified herein.

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### 2. Scope of records covered by this Declaration

This Declaration covers the following records held by the Entity (collectively, "the Records"):

- **[Scope description — adapt as applicable. Examples:]**

- "All NuWyre evidence-layer event records, hash chain records, daily root records, audio records, evaluation records, audit log records, and evidence export records pertaining to **[Customer organization name]** for the period from **[Start Date]** through **[End Date]**."
- "The NuWyre evidence bundle identified by export\_id **[UUID]**, generated on **[Date]**, and produced in response to **[Subpoena / Demand Letter / Regulatory Request]** dated **[Date]**."
- "All NuWyre records concerning end user **[End user identifier, redacted if appropriate]** captured during interactions with the AI agent **[Agent identifier]** during the period **[Start Date]** through **[End Date]**."

The Records were retrieved by the Entity in the regular course of its records-management practices for the purpose of responding to **[Subpoena / Discovery Demand / Regulatory Inquiry / Litigation Production]**.

### 3. FRE 803(6) attestation

I hereby attest, under penalty of perjury, that:

**3.1 Made at or near the time.** Each of the Records was made at or near the time of the act, event, condition, opinion, or diagnosis it describes. The NuWyre evidence-layer service captures records automatically, in real time, as customer-side AI agents interact with end users; the records reflect the events they describe contemporaneously with the events' occurrence.

**3.2 From knowledge.** Each Record was made by — or from information transmitted by — a person with knowledge of the matter the Record describes. In the context of the NuWyre evidence-layer service, the Records are produced automatically by the customer's adapter software, which observes and records the live interaction between the customer's AI agent and the end user; the adapter operates as a recording instrument under the customer organization's deployment and control, analogous to call-recording systems and POS terminals long accepted under FRE 803(6) as records "from knowledge" when the recording instrument is operated as part of regularly conducted business activity. The customer organization's personnel deploy, configure, and maintain the AI agent and adapter as part of their regular business operations,

and have personal knowledge of the deployment under which the Records are produced.

**3.3 Kept in the regular course.** The Records are kept in the course of the Entity's regularly conducted business activity. NuWyre, Inc. operates the NuWyre evidence-layer service as its regularly conducted business; the Entity's role with respect to the Records reflects either (a) NuWyre's operation of the evidence-layer service in its regular course, or (b) the Customer organization's use of the NuWyre evidence-layer service to record AI agent activity in the regular course of the Customer's business.

**3.4 Regular practice.** Making the Records was a regular practice of the Entity's business activity. The Records are not made for the purpose of litigation, regulatory response, or any other special purpose; they are made automatically as the AI agent interactions occur, regardless of whether any specific Record will later be retrieved or produced.

#### **4. Integrity and authenticity of the Records**

In addition to the FRE 803(6) attestation above, I further attest:

**4.1 Cryptographic integrity.** Each event Record in the NuWyre evidence-layer service includes a SHA-256 cryptographic hash of its content, a chain hash linking the event to the previous event in the same session, and is included in a per-day cryptographic Merkle root that is recorded in three independent external anchor systems: the Bitcoin blockchain (via the OpenTimestamps protocol), RFC 3161 timestamp authority tokens issued by independent TSAs, and signed Git commits to a public anchor repository at <https://github.com/NuWyre/anchors> (configured for redundant mirroring to <https://codeberg.org/NuWyre/anchors> once mirror operations begin per NuWyre's published operational-status disclosures).

**4.2 External verifiability.** The Records can be cryptographically verified using the open-source verifier CLI published at <https://github.com/NuWyre/cli>, using only the Records themselves, the publicly-published anchor repository (or any of its mirrors), and the public Bitcoin blockchain. The verification does not require access to NuWyre's servers or cooperation from NuWyre at verification time. Any modification to a Record after its creation produces a detectable inconsistency that the verifier CLI surfaces.

**4.3 Production process.** The Records, as produced in response to the **[Subpoena / Discovery Demand / Regulatory Inquiry / Litigation Production]** that prompted this Declaration, were retrieved from the NuWyre evidence-layer service using the standard evidence-export workflow available to authorized customer personnel. The retrieved bundle includes:

- The event Records and their cryptographic hashes;
- The corresponding evaluation Records and audio Records (when present);
- The daily root that encompasses the period of the Records;
- The external anchor receipts (OpenTimestamps proof, RFC 3161 timestamp tokens, signed Git commit references) for the daily root;
- A copy of NuWyre's Records Retention Policy and System Description; and
- This Custodian Declaration.

**4.4 Retention.** The Records are retained in accordance with NuWyre's Records Retention Policy, a current copy of which is included with this Declaration. The Records were not deleted, modified, or otherwise altered between the date of their creation and the date of this Declaration, except as permitted by the Records Retention Policy (e.g., authorized redaction with regulatory basis, retention-sweep soft-deletion which preserves the audit trail).

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## 5. Limitations on this Declaration

5.1 This Declaration concerns the chain of custody and integrity of the Records as held by the NuWyre evidence-layer service. It does not opine on:

- The legal sufficiency of the Records' content for any specific evidentiary purpose;
- The accuracy or truthfulness of any statements made by participants in the underlying AI agent interactions;
- The appropriateness of the underlying business or compliance use to which the Records are being put.

5.2 The opinions expressed in this Declaration are based on my personal knowledge as Custodian of Records and on the Entity's standard records-management practices. They are not legal opinions and do not constitute legal advice.

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## 6. Signature

Executed at **[City, State]** on **[Date]**.

*(Pursuant to 28 U.S.C. § 1746)*

I declare under penalty of perjury under the laws of the United States of America (and, if applicable, the laws of the State of **[State]**) that the foregoing is true and correct.

**Signature:** \_\_\_\_\_

**Printed name:** **[Custodian Full Legal Name]**

**Title:** **[Title at the Entity]**

**Entity:** **[Entity Legal Name]**

**Date:** **[YYYY-MM-DD]**

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## Document control

- **Version:** v1.0 (draft; subject to attorney revision)
  - **Last updated:** 2026-05-13
  - **Next scheduled review:** within twelve (12) months from effective date
  - **Drafted by:** NuWyre, Inc.
  - **Attorney revision status:** pending; budget line ~\$2,000-\$5,000 per substantive review per docs/build-plan.md v3.1.7
  - **Distribution:** template published at <https://nuwyre.com/legal/custodian-declaration-template.pdf>; included in every NuWyre evidence-bundle export's `legal/` subdirectory starting with the first export generated after the effective date.
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## Adaptability notes

This template is adaptable to either of two signing parties:

- **NuWyre officer signing:** when NuWyre itself is responding to a subpoena or other demand for records held in its evidence-layer service, an authorized

NuWyre officer (the Custodian of Records identified in NuWyre's Records Retention Policy) executes this Declaration with the Entity = NuWyre, Inc.

- **Customer officer signing:** when a Customer organization is responding to a subpoena or demand for records held on its behalf in the NuWyre evidence-layer service, an authorized officer of the Customer (typically the records-custodian-equivalent role in the Customer's organization) executes this Declaration with the Entity = the Customer organization, and references the NuWyre records as the records being attested to.

When the Customer signs, the Customer attests that its use of the NuWyre evidence-layer service is in the regular course of the Customer's business — even though NuWyre itself made the records on the Customer's behalf. The FRE 803(6) requirement for "regular course" is generally interpreted to permit records made by a regular-course agent (here, NuWyre) for the principal (here, the Customer); the Customer's representation that its use of the NuWyre service is a regular business practice satisfies the requirement. (Legal counsel should review the specific facts of the matter to confirm this conclusion applies.)

Either signing party should attach to the executed Declaration:

1. A copy of the NuWyre Records Retention Policy (current at the time of the Records' creation).
2. A copy of the NuWyre System Description (current at the time of the Records' creation).
3. The NuWyre evidence bundle being attested to.

These three items, together with this signed Declaration, constitute the complete records-custody package that establishes FRE 803(6) admissibility.