

**PUBLIC ACCESS RECORDS**

It is the policy of the Board of Education to inform members of the public about the administration and operation of the public schools in accordance with the Freedom of Information Law of the State of New York. Under the Freedom of Information Law, any interested person may inspect and copy certain of the records kept by the district. The law does not require that records be created or compiled in order to comply with a request.

Accordingly, records of the Mahopac Central School District are available for inspection and copying, as provided by law and following the accompanying regulation (1120-R) at the:

Mahopac Central School District Central Offices  
Records  
179 E. Lake Blvd.  
Mahopac, New York 10541

*Retention and Destruction of Records:*

The Board hereby adopts as policy the Records Retention and Disposition Schedules as promulgated by the Commissioner of Education, setting forth the minimum length of time school district records must be retained.

Ref: Public Officers Law §84 *et seq.* (Freedom of Information Law)  
Education Law §2116  
Arts and Cultural Affairs Law §57.11  
Local Government Records Law, Article 57-A  
8 NYCRR Part 185

Adoption date: June 12, 2001  
Adoption Date: October 9, 2012

**SCHOOL DISTRICT RECORDS REGULATION**

The following comprises the rules and regulations relating to the inspection and copying of school district records:

*I. Designation of Officers*

1. The Records Access Officer shall be the Assistant Superintendent of Curriculum Instruction and Human Resources. He/she is designated to receive requests for records of the Board of Education and make such records available for inspection or copying when such requests are granted. With cooperation from district personnel, he/she shall compile and maintain a detailed current list by subject matter, of all records in the possession of the Board, whether or not available to the public.
2. The Records Management Officer shall be the District Clerk. He/she shall develop and oversee a program for the orderly and efficient management of district records.

*II. Definition of Records*

1. A record is defined as any information kept, held, filed, produced or reproduced by, with or for the Board in any physical form whatsoever, including but not limited to reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or disks, rules, regulations or codes.
2. The Records Access Officer will have the responsibility for compiling and maintaining the following records:
  - a. a record of the final vote of each member of the Board on any proceeding or matter on which the member votes;
  - b. a record setting forth the name, school or office address, title and salary of every officer or employee of the Board. Such records shall be made available for inspection under the supervision of the Records Access Officer; and
  - c. a reasonably detailed current list by subject matter of all records in possession of the Board, whether or not available for public inspection and copying.
3. No record for which there is a pending request for access may be destroyed. However, nothing in these regulations shall require the Board to prepare any record not possessed or maintained by it except the records specified in II(2), above.

*III. Access to Records*

1. Time and place records may be inspected: Records may be requested from, and inspected or copied at the District Offices or at a location specified by the Records Access Officer, during regular business hours (8 AM to 4 PM) on any business day on which district offices are open.
2. Fees: The fee for documents up to 8 1/2 x 14 inches is 25 cents per page. For documents larger than 8 1/2 x 14 inches, tape or cassette records, or computer printouts, the cost will be the average unit cost for reproduction, excluding fixed costs such as operator salaries. Fees are subject to periodic review and change. However, no fee shall be charged for the search for or inspection of records, certification of documents, or copies of documents which have been printed or reproduced for distribution to the public. The number of such copies given to any

one organization or individual may be limited, in the discretion of the Records Access Officer.

3. Procedures: Requests to inspect or secure copies of records (mechanically or by hand) shall be submitted in writing, either in person or by mail, to the Records Access Officer. Requests by mail will be honored upon payment of the fee, provided the requester and the record requested are sufficiently identified.
4. All requests for information shall be responded to within five business days of receipt of the request. If the request cannot be fulfilled within five business days, the Records Access Officer shall acknowledge receipt of the request and advise the approximate date when the request will be granted or denied.
5. Denial of Access: When a request for access to a public record is denied, the Records Access Officer shall indicate in writing the reasons for such denial, and the right to appeal.

*IV. Appeals*

1. The Appeals Officer shall hear appeals for denial of access to records under these regulations.
2. Appeals shall be directed to the Appeals Officer and such appeals must be received within 30 days after the denial from which such appeal is taken.
3. The time for deciding an appeal by the Appeals Officer shall commence upon receipt of a written appeal identifying:
  - a. the date and location of original request for records;
  - b. the name of the records to which the requester was denied access;
  - c. the name and return address of the requester.
4. The Appeals Officer shall inform the requester of his/her decision in writing within seven business days of receipt of an appeal. If denied, the reasons for denial must be delineated on the request form.
5. Copies of all such appeals and appeal decisions shall be immediately forwarded to the Committee on open government, Department of State, 41 State Street, Albany, New York 12231.
6. In the case of a denial to access, the Appeals Officer shall inform the requester of his/her right to appeal the denial as provided for in Article 78 of the Civil Practice Law and Rules.

*V. Records Exempted from Public Access*

The provisions of this regulation relating to information available for public inspection and copying shall not apply to records that:

1. are specifically exempted from disclosure by state and/or federal statute;
2. if disclosed would constitute an unwarranted invasion of personal privacy;
3. if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
4. are confidentially disclosed to the Board and compiled and maintained for the regulation of commercial enterprise, including trade secrets, or for the grant or review of a license;
5. are compiled for law enforcement purposes and which, if disclosed, would:

- a. interfere with law enforcement investigations or judicial proceedings;
  - b. deprive a person of a right to a fair trial or impartial adjudication;
  - c. identify a confidential source or disclose confidential techniques or procedures, except routine techniques or procedures; or
  - d. reveal criminal investigative techniques or procedures, except routine techniques and procedures;
6. records which if disclosed would endanger the life or safety of any person;
  7. records which are interagency or intra-agency communications, except to the extent that such materials consist of:
    - a. statistical or factual tabulations or data;
    - b. instructions to staff which affect the public;
    - c. final Board policy determinations; or
    - d. external audits, including but not limited to audits performed by the comptroller and the federal government;
  8. records which are examination questions or answers that are requested prior to the final administration of such questions;
  9. records which are computer access codes.

*VI. Prevention of Unwarranted Invasion of Privacy*

To prevent an unwarranted invasion of personal privacy, the Records Access Officer may delete identifying details when records are made available. An unwarranted invasion of personal privacy includes but shall not be limited to:

1. disclosure of confidential personal matters reported to the Board which are not relevant or essential to the ordinary work of the Board;
2. disclosure of employment, medical or credit histories or personal references of applicants for employment, unless the applicant has provided a written release permitting such disclosures;
3. sale or release of lists of names and addresses in the possession of the Board if such lists would be used for private, commercial or fund-raising purposes;
4. disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such records are not relevant or essential to the ordinary work of the Board; or
5. disclosure of items involving the medical or personal records of a client or patient in a hospital or medical facility.

Unless otherwise deniable, disclosure shall not be construed to constitute an unwarranted invasion of privacy when identifying details are deleted, when the person to whom records pertain consents in writing to disclosure, or when upon representing reasonable proof of identify, a person seeks access to records pertaining to him or her.

*VII. Listing of Records*

Pursuant to Section 87(3)(c) of the Public Officers Law, the current records retention schedule for school districts, published by the Commissioner of Education, shall serve as the list by subject matter of all records in the possession of the school district, whether or not available under the law.

Adoption date: June 12, 2001  
Adoption Date: October 9, 2012

**SCHOOL DISTRICT RECORDS EXHIBIT**

**Application for Public Access to Records**

**TO:** Records Access Officer

District Clerk  
MAHOPAC CENTRAL SCHOOL DISTRICT  
179 East Lake Boulevard  
Mahopac, NY 10541

**I HEREBY APPLY TO INSPECT THE FOLLOWING RECORD@ 25 CENTS PER PAGE\***. (where possible, furnish date, title, file designation, or other information to help identify the record.)

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Signature

Date

Representing

Mailing Address

\* Documents larger than 8 1/2 x 14 inches, tape or cassette records, or computer printouts equal the cost of reproduction.

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**FOR DISTRICT USE ONLY**

APPROVED \_\_\_\_\_

DENIED \_\_\_\_\_ (for the reason(s) checked below)

- \_\_\_\_\_ Confidential Disclosure
- \_\_\_\_\_ Part of Investigatory File
- \_\_\_\_\_ Unwarranted Invasion of Personal Privacy
- \_\_\_\_\_ Record of which this agency is Legal Custodian cannot be found
- \_\_\_\_\_ Record is not maintained by this Agency
- \_\_\_\_\_ Exempted by Statute Other Than the Freedom of Information Act

Other (specify) \_\_\_\_\_

NOTICE: You have a right to appeal a denial of this application to the Superintendent of Schools, Mahopac Central School District, 178 E. Lake Blvd., Mahopac, New York 10541-1666 (914) 628-3415, who must inform you of his decision in writing within seven days of receipt of an appeal and, if the appeal is denied, must explain the reasons for such denial.

I hereby appeal: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Date