

## Community Relations

**MOUNT PLEASANT COTTAGE SCHOOL UNION FREE SCHOOL DISTRICT****SUBJECT: PUBLIC ACCESS TO RECORDS**

The School District shall support public access to District records. These regulations provide information concerning the procedures by which records may be obtained from an agency as defined by Public Officers Law Section 86(3). No District regulations shall be more restrictive than Public Officers Law Article 6. The District Records Access Officer shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by other applicable law. The District shall amend existing regulations or adopt new regulations to implement the Freedom of Information Law in conformity with any amendments to this law.

**Designation of Records Access Officer**

- 1) The Board of Education shall be responsible for insuring compliance with the regulations herein, and shall designate one person as Records Access Officer by name or by specific job title and business address, who shall have the duty of District response to public requests for access to records.
- 2) The Records Access Officer is responsible to:
  - a. Maintain an up-to-date subject matter list;
  - b. Assist the requester in identifying requested records, if necessary and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist in reasonably describing the desired records;
  - c. Upon locating the records, take one of the following actions:
    - (1) Make records available for inspection; or
    - (2) Deny access to the records in whole or in part and explain in writing the reasons therefore;
  - d. Upon request for copies of records:
    - (1) Make a copy available upon payment, or agreement to pay established fees, if any; or
    - (2) Permit the requester to copy those records.
  - e. Upon request, certify that a record is a true copy;
  - f. Upon failure to locate records, certify that:

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- (1) The District is not the custodian for such records, or
- (2) The records cannot be found after diligent search.

**Location and Hours for Public Inspections**

Records shall be available for public inspection and copying at:

Records Access Officer  
Mount Pleasant Cottage School UFSD  
District Office  
1075 Broadway  
Pleasantville, New York \_\_\_\_\_

**Subject Matter List**

The District will maintain a reasonably detailed current list by subject matter of all records in its possession and whether or not available pursuant to the Freedom of Information Law.

The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.

The subject matter list shall be updated annually, and the date of the most recent update shall appear on the first page of the subject matter list.

**Requests for Public Access to Records**

The Board of Education designates the Central Office as the location where records shall be available for public inspection and copying.

The District shall accept requests for public access to records and produce records during all hours it is regularly open for business.

- 1) The District requires that a request be made in writing, but oral requests may be accepted when records are readily available.
- 2) If records are maintained on the Internet, the requester shall be informed that the records are accessible via the Internet and in printed form either on paper or other information storage medium.

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- 3) A response shall be given within five (5) business days of receipt of a request by:
  - a. Informing the requester that the request or a portion of it does not reasonably describe the records sought, including direction to the extent possible, that would enable that person to request records reasonably described;
  - b. Granting or denying access to records in whole or in part;
  - c. Acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty (20) business days after the date of the acknowledgement, or if it is known that circumstances prevent disclosure within twenty (20) business days, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period, when the request will be granted in whole or in part; or
  - d. If the receipt of the request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty (20) business days, but circumstances prevent disclosure within that time frame, providing a statement in writing within twenty (20) business days specifying the reason for the delay and a date certain when the request will be granted.
- 4) In determining a reasonable time for granting or denying a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the District, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.
- 5) A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an administrator or employee of the District:
  - a. Fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five (5) business days of the receipt of a request;
  - b. Acknowledges the receipt of a request within five (5) business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;

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- c. Furnishes an acknowledgment of the receipt of a request within five (5) business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;
- d. Fails to respond to a request within a reasonable time after the approximate date given or within twenty (20) business days after the date of the acknowledgment of the receipt of a request;
- e. Determines to grant a request in whole or in part within twenty (20) business days of the acknowledgment of the receipt of a request, but fails to do so, unless the District provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;
- f. Does not grant a request in whole or in part within twenty (20) business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or
- g. Responds to a request, stating that more than twenty (20) business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

**Requests for Public Access to Records via Email**

If the District has the capability to retrieve electronic records, it must provide such records electronically upon request.

The District shall accept requests for records submitted in the form of electronic mail and respond to such requests by electronic mail using the forms supplied by the District. This information shall be posted on the District website, clearly designating the email address for purposes of receiving requests for records via this format.

When the District maintains requested records electronically, the response shall inform the requester that the records are accessible via the internet and in printed form either on paper or other information storage medium.

(Note: For sample email request and response forms, see websites:  
<http://www.dos.state.ny.us/coog/emailrequest.html> or  
<http://www.dos.state.ny.us/coog/emailresponse.html>)

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**SUBJECT: PUBLIC ACCESS TO RECORDS (Cont'd.)****Response to Requests for Access to Records**

The District will, in accordance with its published rules, make available for public inspection and copying all records, except that such agency may deny access to records or portions thereof that:

- 1) Are specifically exempted from disclosure by state or federal statute;
- 2) If disclosed would constitute an unwarranted invasion of personal privacy under the provisions of Public Officers Law Section 89(2);
  - a. An unwarranted invasion of personal privacy includes, but shall not be limited to:
    - (1) Disclosure of employment, medical or credit histories or personal references of applicants for employment;
    - (2) Disclosure of items involving the medical or personal records of a client or patient in a medical facility;
    - (3) Sale or release of lists of names and addresses if such lists would be used for solicitation 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 information is not relevant to the work of the agency requesting or maintaining it; or
    - (5) Disclosure of information of a personal nature reported in confidence to the District and not relevant to the ordinary work of the District;
  - b. Unless otherwise provided by the Freedom of Information Law, disclosure shall not be construed to constitute an unwarranted invasion of personal privacy:
    - (1) When identifying details are deleted;
    - (2) When the person to whom a record pertains consents in writing to disclosure;
    - (3) When upon presenting reasonable proof of identity, a person seeks access to records pertaining to himself/herself;
- 3) If disclosed would impair present or imminent contract awards or collective bargaining negotiations;

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- 4) Are compiled for law enforcement purposes and which, if disclosed would:
  - a. Interfere with law enforcement investigation 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 information relating to a criminal investigation; or
  - d. Reveal criminal investigative techniques or procedures, except routine techniques and procedures;
- 5) If disclosed would endanger the life or safety of any person;
- 6) Are inter-agency or intra-agency materials which are not:
  - a. Statistical or factual tabulations or data;
  - b. Instructions to staff that affect the public;
  - c. Final agency policy or determinations; or
  - d. External audits, including but not limited to audits performed by the comptroller and the federal government;
- 7) Are examination questions or answers which are requested prior to the final administration of such questions;
- 8) Are computer access codes.

**Fulfilling FOIL (Freedom of Information Law) Requests**

The District shall provide copies of records in the format and on the medium requested by the person filing the FOIL request if the District can reasonably do so. The District may not enter into a contract for the creation or maintenance of records if such a contract impairs the right of the public to inspect or copy the District's records.

The District cannot use the excuse that the FOIL request is voluminous, burdensome or it lacks the staff to copy the documents as it may recover any costs in complying with the request including having an outside entity provide copying, programming or other services needed. The District's Records Access Officer will work with the requestor to clarify and define the scope so as to

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accommodate the records request. The District can reject a request that is vague and does not reasonably describe the requested records.

Should the District have the ability to do so with reasonable effort, it must retrieve or extract requested records or data maintained in its computer storage system. Moreover, the District must retrieve or extract records or data electronically when doing so would take less employee time than manual retrieval or redaction of non-electronic records. Programming necessary to retrieve computer records and to either transfer them into the medium requested or to allow them to be read or printed is not deemed to constitute preparation or creation of a new record. Records provided in computer format may not be encrypted.

The public may and can only be charged an amount equal to the hourly salary attributed to the employee or employees required to produce a copy of the record, the actual cost of the storage device or media provided in complying with the FOIL request, and the actual cost to the District of engaging an outside professional service to produce a copy of the record or records should the District need to engage an outside entity in order to comply with the FOIL request. The District may not enter into or renew contracts with outside entities for the creation or maintenance of records that impair the public's right to inspect or copy District records. The costs for copies of records shall not include search time unless at least two (2) hours of employee time is needed to prepare the requested records. The requestor shall be informed of the estimated cost if more than two (2) employee hours are needed or if an outside service is retained to prepare copies.

**Denial and Appeal of Access to Records**

- 1) Denial of access to records shall be in writing stating the reason therefore and advising the requester of the right to appeal to the individual or body established to determine appeals, (who or which) shall be identified by name, title, business address and business phone number.
- 2) If requested records are not provided promptly, such failure shall also be deemed a denial of access.
- 3) The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:

Superintendent  
Mount Pleasant Cottage School UFSD  
1075 Broadway  
Pleasantville, New York 10570

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- 4) Any person denied access to records may appeal within thirty (30) days of a denial.
- 5) The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:
  - a. The date and location of requests for records;
  - b. A description, to the extent possible, of the records that were denied; and
  - c. The name and return address of the person denied access.
- 6) A failure to determine an appeal within ten (10) business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.
- 7) The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government Department of State  
One Commerce Plaza  
99 Washington Avenue, Suite 650  
Albany, NY 12231
- 8) The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten (10) business days of receipt of an appeal.

**Fees**

- 1) There shall be no fee charged for the following:
  - a. Inspection of records;
  - b. Search for records;
  - c. Certification of documents;
  - d. Copies of documents which have been printed or reproduced for distribution to the public.

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- 2) The District may charge a fee for copies of records provided that the fee for copies of records shall not exceed twenty-five cents (25¢) per photocopy not exceeding 9 by 14 inches except when a different fee is otherwise prescribed by statute.
- 3) The fee for copies of records not covered by subparagraph 2) of this section shall not exceed the actual reproduction cost. When determining the actual reproduction cost the District may include only the following factors:
  - a. An amount equal to the hourly salary of the lowest paid employee with the skills necessary to prepare a copy of the requested record multiplied by the number of employee hours required for the preparation of such copy;
  - b. The actual cost of the storage device or media provided to the person making the FOIL request in complying with such request; and
  - c. The actual cost to the District of hiring an outside professional service to prepare a copy of a record, but only when the District's technology equipment is inadequate to prepare the copy if such service is used to prepare the copy.
- 4) When the District has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the District shall be required to retrieve or extract such record or data electronically.
- 5) A person requesting a record shall be informed of the estimated cost of preparing a copy of the record if more than two (2) hours of a District employee's time is needed, or if an outside professional service will be retained to prepare a copy of the record.
- 6) The District may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.
- 7) The District may waive a fee in whole or in part when making copies of records available.

**Public Notice**

The District shall publicize by posting in a conspicuous location in the Central Office:

- 1) The location where records shall be made available for inspection and copying;

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- 2) The name, title, business address, and business telephone number of the designated Records Access Officer;
- 3) The right to appeal by any person denied access to a record and the name and business address of the person or body to whom an appeal is to be directed.