SCHOOL DISTRICT RECORDS REGULATION

The following comprises the rules and regulations for access to, inspection and copying of district records pursuant to the Freedom of Information Law:

1. Designation of Officers:
   a. The District Clerk shall be the Records Access Officer.
   b. The Records Access Officer 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.
   c. The Records Access Officer shall compile and maintain a reasonably detailed current list by subject matter, of all records in the possession of the Board, whether or not available to the public.
   d. The Director of Human Resources shall serve as the Records Management Officer for the district.
   e. The Records Management Officer will develop and oversee a program for the orderly and efficient management of district records.

2. Definition of Records:
   a. 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;
   b. The Records Access Officer will have the responsibility for compilation and maintenance of the following records:
      i. a record of the final vote of each member of the Board on any proceeding or matter on which the member votes;
      ii. a record setting forth the name, school or office address, title and salary of every officer or employee of the Board (district), Such records shall be made available for inspection under the supervision of the Records Access Officer; and
      iii. a detailed current list by subject matter of all records in possession of the Board, whether or not available for public inspection and copying.
   c. No record for which there is a pending request for access may be destroyed.

3. Requests for Inspection or Copying of Records:
   a. Requests for access may be denied where the record fits one or more of the criteria for denial set forth in Rule (6) herein. However, nothing in these regulations shall require the Board to prepare any record not possessed or maintained by it except the records specified in (2b) above.
   b. Requests for inspection or copying of payroll records are to be submitted to the Records Access Officer.
c. All requests for inspection or copying of records are to be made in writing to the Records Access Officer.
d. The record sought to be inspected must be identified with reasonable particularity.
e. Payroll records shall be made available in accordance with Chapter 578 of the Laws of 1974 only upon written notice in the form prescribed by the Comptroller of the State of New York and shall be reasonable and shall specify what records are to be requested with particularity.

4. Procedures:

a. The Records Access Officer shall assist any applicant for inspection or copying of records in the identification of the record.
b. The Records Access Officer shall respond to all requests with reasonable dispatch. Except under extraordinary circumstances, the request shall be responded to in writing, within five business days. If more than five business days are required to produce the records requested or make a determination as to whether the record may be produced, the Records Access Officer shall furnish a written acknowledgement of receipt of the request, including a brief explanation of the reason for the delay and an estimate of the date when the record shall be produced or denied.
c. If the District determines to grant a request in whole or in part, and if circumstances prevent disclosure to the person requesting the records within 20 business days from the date of acknowledgment of receipt of the request, the Records Access Officer shall state, in writing, both the reason for the inability to grant the request within 20 business days and a date certain within a reasonable period, depending on the circumstances, when the request will be granted in whole or in part.
d. If a request is received personally, the Records Access Officer shall:
   i. search for an identifiable record; and
   ii. review the record and delete any information which would constitute an unwarranted invasion of privacy and make the record available for inspection immediately, or, depending on circumstance, schedule an appointment for inspection; or
   iii. deny access to the record.
e. If a requested record is not maintained, cannot be found or is confidential, where disclosure would constitute an unwarranted invasion of privacy, the Records Access Officer shall:
   i. notify the applicant in writing, giving the reason for either the denial of access to the record or certify to the applicant that the record is not maintained or cannot be found by the district; and
   ii. advise the applicant of his/her right to appeal to the Superintendent the denial of access to the record.
5. **Inspection, Copying, and Certification of Records:**
a. The inspection and copying of records, except payroll records, shall be done under the direction and supervision of the Records Access Officer or designee, during any day that school is in session between the hours of 9:00 a.m., and 4:00 p.m., at the Somers Central School office.
b. The inspection and copying of records, except payroll records, shall take place only at the location where the record is usually kept in the regular course of district business.
c. Upon payment of the fee hereinafter set, the district shall supply photographic copies for any record open for inspection, except payroll records. The fee for documents up to 9 x 14 inches shall be $.25 per page. Any record may be copied by hand by the person inspecting, at no charge.
d. For documents larger than 9 x 14 inches, tape or cassette records, or computer printouts, the cost will be based on the cost of reproduction or program utilized. 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.
e. The Records Access Officer shall certify to the correctness of any record without charge.

6. **Denials of Access to Records and Appeals and Records Exempted from Public Access:**

a. All denials of access shall be in writing stating the reason therefor. The failure to provide requested records promptly shall be deemed a denial of access to the record;

b. Access may be denied to certain records, or portions thereof, that:
   i. are specifically exempted from disclosure by State and/or Federal status;
   ii. if disclosed would constitute an unwarranted invasion of personal privacy;
   iii. if disclosed would impair present or imminent contract awards or collective bargaining negotiation;
   iv. are trade secrets or are maintained for the regulation of commercial enterprise which if disclosed would cause substantial injury to the competitive position of the subject enterprise.
   v. 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 information relating to a criminal investigation; or
      d) reveal criminal investigative techniques or procedures.
vi. if disclosed would endanger the life or safety of any person;

vii. are inter-agency materials which are not:
   a) statistical or factual tabulations or data;
   b) instruction 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;

viii. are examination questions or answers which are requested prior to the
      final administration of such questions;

ix. are computer access codes.

c. Appeals: An applicant denied access to a public record may file an appeal with
   the Superintendent by delivering a copy of the request and a copy of the denial
   to the District Clerk within 30 days after the denial from which such appeal is
   taken. The District Clerk shall, upon receipt of an appeal, immediately forward
   such appeal to the Superintendent. The Superintendent shall, within 10 business
   days, provide a written response to the appeal, either stating the reasons for
   further denial, or providing access to the record sought.
   i. all appeals from denial of access shall be directed to the President of the
      Board of Education and copied to all Board members;
   ii. all appeals shall be in writing and shall set forth:
       a) the date and location of the request for the records;
       b) the records to which access was denied;
       c) the name and address of the requestor;
   iii. upon receipt of an appeal, the Board shall promptly forward such appeal
        to the New York State Committee on Open government. After the
        appeal is decided by the Board, the Board shall promptly forward its
        decision to the Committee on Open Government. The District Clerk
        shall transmit to the Committee on Open Government, photocopies of
        all appeals and determinations;
   iv. A final denial of access to a requested record shall be subject to court
       review as provided in Article 78 Civil Practice Laws and Rules.

7. Severability:

   If any provision of this policy or the application thereof to any person or
   circumstances is adjudged invalid by a court of competent jurisdiction, such judgment
   shall not affect or impair the validity of any other provision of this policy or the
   application thereof to any other person or circumstances.

8. 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:
   a. disclosure of confidential personal matters reported to the Board which are not
      relevant or essential to the ordinary work of the Board;
   b. 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;
c. sale or release of lists of names and addresses in the possession of the District and/or Board if such lists would be used for private, commercial or fundraising purposes;
d. 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 District and/or Board; or
e. 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.

9. 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. A link to this retention schedule shall be listed on the district’s website under the ‘Board of Education’ section.

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