

# Regulation

Draft 10/24/24  
1100.1

## COMMUNITY RELATIONS

### PUBLIC ACCESS TO RECORDS

#### I. Purpose

The Superintendent of Schools promulgates this regulation to ensure compliance with the *Freedom of Information Law* (Article 6 of the Public Officers' Law) and the related Rules of the *Committee on Open Government*.

#### II. Duties of Records Access Officer

- A. Ensure that the Oriskany Central School District (the District) appropriately responds to public requests for access to records.
- B. Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.
- C. Contact persons seeking records when a request is voluminous or when locating the records sought involves substantial effort, so that agency personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of the records requested.
- D. Certify that a record is a true copy, if requested.
- E. Post in a conspicuous location:
  1. the place where records will be made available for inspection and copying and the times during which they can be accessed,
  2. the Records Access Officer's name, title, business address, business telephone number, and business e-mail address;
  3. the right to appeal a denial of access to a record, including the name and business address of the District Clerk, to whom appeals are directed.
- F. Maintain a reasonably detailed subject matter list, by subject, of all records in possession of the District, whether or not records are available to the public under subdivision two of ~~section eighty-seven~~ §87 of the Public Officers' Law. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought. The subject matter list will be updated annually, and the date of the most recent update shall be conspicuously indicated on the list.

#### III. Request for Access to Records

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- A. All requests to obtain or inspect copies of district records shall be submitted to the Records Access Officer. Requests will be accepted by mail, email or in person during all hours the District is regularly open for business. ~~A form for requesting records by e-mail is available at the website of the Committee on Open Government, <http://www.dos.ny.gov/coog/emailrequest.html>~~
- B. A request shall reasonably describe the record(s) sought, including whenever possible, dates, file designations or other information that may help to describe the records sought.
- IV. Response to Requests for Access
- A. Within five business days of receipt of the request, the Records Access Officer shall respond to the request by taking one (1) of the following actions:
1. Making the requested record(s) available for inspection and photocopying; in which case the Records Access Officer or another designated District employee shall be physically present while such records are being examined or copied, or
  2. Providing a copy of the requested record(s) on the medium requested (if that technology is available), or
  3. Denying access to the requested record(s), in whole or in part, in which case the requester will be notified in writing of the reason for denial and ~~his/her~~ their rights as to appeal to the individual or body established to hear appeals. The denial will include the name, title, business address and business telephone number of the individual designated to hear appeal, or
  4. Acknowledging receipt of the request in writing, including the approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances (and in most cases, shall not exceed 20 business days), or
  5. Certifying that the record(s) have not been located because the District is not the custodian of the record(s), or because the record(s) cannot be found after diligent search.
- B. If the District maintains requested records on the internet, the District's response to the requester shall inform the requester that the records are accessible via the internet and in printed form either on paper or other information storage medium.

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- C. When a request is made for the electronic production of electronic records, the District will respond in a manner substantially similar to the model response appearing on the website of the Committee on Open Government, <http://www.dos.ny.gov/coog/emailresponse.html>, <https://opengovernment.ny.gov/agency-response-email-request-records-sample>.
- V. Notification to Employee(s) for Disciplinary Records
- A written notification shall be sent to a current or former employee via regular mail or email when their disciplinary records are included in a response to a FOIL request.
- VI. Appeal of Denial of Access
- A. An applicant denied access to a public record may file an appeal by delivering a written letter of appeal with a copy of the request and denial to the District Clerk, within thirty (30) days after the denial from which appeal is taken.
- B. An appeal for denial of access to records will be determined by the Superintendent.
- C. The individual designated to hear appeals shall transmit to the Committee on Open Government copies of all appeals and ensuing determinations. Such copies shall be addressed to:
- Committee on Open Government  
Department of State  
One Commerce Plaza  
99 Washington Ave.  
Albany, New York 12231
- D. The person designated to hear appeals shall inform the person making the appeal and the Committee on Open Government of ~~his/her~~ their determination in writing within ten (10) business days of receipt of an appeal, identifying 1) The date and location of the requests for records; 2) A description, to the extent possible, of the records that were denied; and 3) The name and return address of the appellant.
- VII. Fees
- A. Except when a different fee is otherwise prescribed by statute:
1. There shall be no fee charged for a search for records, the inspection of records, or the certification of records.

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2. The fee for photocopying records is twenty-five (.25) cents for each page not exceeding nine (9) by (fourteen)(14) inches.
  3. The fee for copies of records not covered by above paragraph 2 shall not exceed the actual cost of reproducing a record. The actual cost may include only:
    - a. The amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill to copy the record. However, the fee shall not include search time or administrative costs, and no fee shall be charged unless at least two hours of employee time is needed to prepare the copies.
    - b. The actual cost of the storage devices or media provided to the person making the request in complying with the request;
    - c. The actual cost of engaging an outside professional service to prepare a copy (if the District's technology equipment is inadequate to prepare a copy); and
    - d. The requester shall be informed of the estimated cost of preparing a copy if more than two hours (2) of employee time is needed, or if an outside professional service would be retained to prepare a copy of the record.
  4. If an identical record has been prepared for a previous record request within the past six (6) months and an electronic copy of the record(s) is available, a fee shall not be charged for reproducing the record, except for the actual cost of a storage device or media if one is provided to the requester in complying with the request.
- B. Copying and billing will be handled by a secretary in the Main District Office at the request of the Records Access Officer. No records shall be reproduced until payment is tendered in cash, check or money order, payable to District.
- C. Copies of agendas or minutes of previous ~~School~~ Board of Education (Board) meetings will be available in limited quantities at the time of the meeting at no charge.
- VIII. Records Unavailable for Inspection or Copying
- A. To prevent unwarranted invasions of personal privacy, the following are not available for public inspection and copying:

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1. Matters of a personal nature as may have been reported in confidence to the Board of Education and which are not relevant or essential to the ordinary work of the Board of Education;
  2. Employment, medical, credit histories or personal references of applicants for employment, except such records will be disclosed when the applicant provides a written release permitting such disclosure;
  3. Items involving the medical or personal records of employees or students;
  4. Lists of names and addresses in the possession of the Board of Education, if such lists are to be used for private, commercial or fund-raising purposes;
  5. Items of a personal nature when disclosure would result in economic or a personal hardship to the subject party and such records are not relevant or essential to the ordinary work of the Board of Education.
- B. Also exempted from disclosure under this Policy are records that:
1. are specifically exempted by statute;
  2. if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
  3. are trade secrets or are submitted to the District by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise;
  4. 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, except routine techniques and procedures;
  5. if disclosed could endanger the life or safety of any person;

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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, or
8. if disclosed, would jeopardize an agency's capacity to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures.

## IX. General Rules Governing Access to Records

- A. No one other than an authorized employee of the District shall enter the records room or be given direct access to District records in storage. The Records Access Officer or other authorized District employee will retrieve records and provide them to the requestor.
- B. The FOIL request form will serve as a record of who inspected the records and when they were inspected. Personal identification may be requested before documents are provided for inspection.
- C. In order to preserve District records, a person examining District records shall be advised that no food or beverages may be present and no pens may be used while records are being examined.

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Oriskany Central School District

Approved by the Superintendent: 07/13/2010, 05/09/16, 03/16/21, \_\_\_\_\_