WESTCHESTER PUTNAM SCHOOL BOARDS ASSOCIATION

DISTRICT CLERK WORKSHOP

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District Clerk

THE DISTRICT CLERK IS:

- An officer of the school district, but not required to be a resident of the school district
- Appointed by the Board of Education at the annual organizational meeting
- Appointed for one school year
- Must take and file the oath of office

District Clerk Duties

- Statutory Duties

§2130, Education Law

- "Perform all the clerical and other duties pertaining to his office."

Article 41, Education Law (District Meetings)

Article 53, Education Law (District Meetings in Small City School Districts)

Article 7, Public Officers Law (Open Meetings Law)

Article 6, Public Officers Law (Freedom of Information Law)

District Clerk's Role

What is the District Clerk's Role?

- To understand her or his duties and responsibilities
- To get along with all Board members
- To treat all Board members with respect
- To become familiar with Board Bylaws and Policies regarding meetings
- To give notice of Board meetings, committee meetings in accordance with law
- To publish agendas
- To take accurate minutes

District Clerk's Role

- To perform all functions with regard to the Budget Vote and Election, Special District Meetings (such as Special Elections or Bond Referenda)
- Gives written notice of appointment to persons appointed as election inspectors, etc.
- Gives notice immediately to every person elected or appointed to School District office
- May serve as the Records Access Officer or assist the Records Access Officer

What is the Freedom of Information Law (FOIL)?

- Public Officers Law Article 6, Sections 84-90, is known as the Freedom of Information Law ("FOIL").
- 21 NYCRR 1401.1 – Purpose and Scope
  - The people's right to know the process of government decision making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality
  - Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records

Who is Subject to FOIL?

- FOIL governs access to agency records
- The term “agency” is defined as “any state or municipal department, board, bureau, division, commission, committee, public authority, public corporation, council, office or other governmental entity performing a governmental or proprietary function for the state or any one or more municipalities thereof, except the judiciary or the state legislature.”
- This includes public school districts

What is "Record"?

- FOIL AO 19701. FOIL applies to all agency records, and POL §86(4) defines the term "record" expansively to mean "any information kept, held, filed, produced or reproduced by, with or for an agency…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 discs, rules, regulations or codes."

Presumption of Access

- Start with the assumption that all government records are subject to FOIL disclosure and then review to determine whether the record or portion of the record fits into one of the permissible grounds for denial
- The general rule regarding the disclosure of school district records is that the public has the right to know, unless there is a statutory exemption to disclosure. For example, student education records as defined under the FERPA Regulations (34 CFR Part 99) or communications between an attorney and their client would be exempt from disclosure pursuant to a FOIL request. (See §87[2][a] Public Officers Law – communications that are specifically exempt by state or federal statute.)

Presumption of Access

- Thus, the first two questions to ask in connection with a FOIL request are:
  - Do I know what records are being requested; and
  - Is the District in possession of such records?

Presumption of Access

- FOIL AO 19701. FOIL is based upon a presumption of access. Stated differently, all records of an agency are available, except to the extent that records or portions thereof fall within one or more grounds for denial appearing in §87(2)(a) through (j) of the Law. A single record or report might include portions that are available under the statute, as well as portions that might justifiably be withheld. That being so, FOIL imposes an obligation on an agency to review records sought, in their entirety, to determine which portions, if any, might properly be withheld or deleted prior to disclosing the remainder
- The Court of Appeals, the state's highest court, expressed its general view of the intent of FOIL in Gould v. NYC Police Department (1996)], stating that:
  - "To ensure maximum access to government records, the 'exemptions are to be narrowly construed, with the burden resting on the agency to demonstrate that the requested material indeed qualifies for exemption."

Subject Matter List by Classification

- Each District must maintain an up-to-date subject matter list by classification, indicating where the records may be found. This must include all records, whether or not accessible to the public. The list must be updated at least twice a year.
- In the past, Districts could use the index to the Records Retention and Disposition Schedule ED-1 as the subject matter list.
- The index to Schedule LGS-1 (for all local governments) cannot be used as the subject matter list.

What District Staff are Involved in FOIL?

- The Board must annually designate a Records Access Officer and Records Management Officer. The Board may designate a Records Appeal Officer if the Board does not wish to hear FOIL appeals. These individuals must be designated by specific job title and business address
  - Records Access Officer receives, reviews and responds to FOIL requests
  - Records Appeal Officer hears appeals for denial of access to records under FOIL
  - Records Management Officer develops and oversees the orderly and efficient management of District records

Duties of Records Access Officer

- Maintain an up-to-date subject matter list
- 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
- 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
- Upon locating the records, take one of the following actions:

Duties of Records Access Officer

- make records promptly available for inspection; or
- deny access to the records in whole or in part and explain in writing the reasons therefor

- Upon request for copies of records:
  - make a copy available upon payment or offer to pay established fees, if any; or
  - permit the requester to copy those records.
- Upon request, certify that a record is a true copy
- Upon failure to locate records, certify that:
  - the agency is not the custodian for such records; or
  - the records of which the agency is a custodian cannot be found after diligent search

What is the Procedure for Submitting a FOIL Request?

- Most policies require that FOIL requests be submitted in writing, although records can be made available upon oral request. The request does not have to be on the District's form (and you cannot require that it be on a District form). Requests received by facsimile (and by e-mail effective October 24, 2006) should be accepted
- Each school district must develop a form that is made available on the Internet, that may be used by the public to request a record
- If the school district has reasonable means to accept requests for records submitted in electronic form, must accept requests by e-mail and respond by e-mail, unless the individual making the request seeks a response in another form. There is no fee charged for responses by e-mail. The school district should designate an e-mail address for purposes of receiving FOIL requests by e-mail. The Committee on Open Government has developed forms for requesting and responding to requests by e-mail

Requests to Inspect or Obtain Copies of Records

- A FOIL request may be to inspect records (for which there may not be a fee) or for copies of records (for which there may be a fee) or a combination. If a record is available only in part, you may deny the request to inspect records and require the requester to accept a copy of the record which has had deniable information redacted
- There is no obligation under FOIL to create a record which does not exist (although you can choose to do so). However, the Committee on Open Government (COOG) has opined that any information on a computer database which can be retrieved without having to purchase additional software for the purpose is considered a record and must be created

What is the Procedure for Responding to FOIL Requests?

- The District must respond to a request within five business days of receipt thereof by:
  - Informing the requestor that the request or a portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable the requestor to reasonably describe the records
  - Granting or denying access to the requested records in whole or it part
  - Acknowledging receipt of the request in writing, including an approximate date when the request will be granted in whole or in part, which shall be reasonable under the circumstances and not more than 20 business days after the date of such acknowledgement

What is the Procedure for Responding to FOIL Requests?

- If it is known that circumstances prevent disclosure within 20 business days after the date of the acknowledgment, providing a written statement describing the reason and a date certain, within a reasonable period under the circumstances, when the request will be granted in whole or in part
- If the request was acknowledged and included an approximate date when the request would be granted in while or in part within 20 business days but circumstances prevent disclosure within that time, providing a statement in writing within 20 business days of such acknowledgment stating the reason for the inability to do so and a date certain, within a reasonable period under the circumstances, when the request will be granted in whole or in part.

What is the Procedure for Responding to FOIL Requests?

- Factors to be considered in determining a reasonable period of time for granting or denying a request:
  - Volume of the request
  - Ease or difficulty in locating, retrieving or generating records
  - Complexity of the request
  - Need to review records to determine the extent to which they must be disclosed
  - Number of requests received by the agency
  - Similar factors that bear on the agency's ability to grant access to records promptly and within a reasonable time
- A failure to comply with the above timelines shall constitute a denial of the request that can be appealed

Responding to FOIL Requests

- When requested records are maintained on the internet, a response shall inform the requestor that the records are accessible via the internet and in printed form either on paper or other information storage medium
- Where a request is denied, the Records Access Officer must indicate, in writing, the reasons for the denial (e.g., intra-agency material, exempt under federal law - FERPA, exempt under state law - attorney-client privileged), the right to appeal and the person to whom the appeal should be made
- Question - What is an education record under FERPA:

  Any records that are directly related to a student and maintained by an educational agency or institution, or by a party acting on its behalf.

Exempt Records

- Section 87(2) of the Public Officer's Law describes records or portions of records that are exempt from disclosure pursuant to the records access requirement of the law. The statute lists the following exceptions to the presumption that records of government be subject to release in the public domain:
  - Records exempted from disclosure by state or federal statute (e.g., FERPA - student records, Attorney-Client privileged documents)
  - Records the disclosure of which would constitute an unwarranted invasion of personal privacy
    - In order to prevent an unwarranted invasion of personal privacy, identifying details may be deleted when making records available

Exempt Records

- An unwarranted invasion of personal privacy includes (but is not limited to):
  - disclosure of confidential personal matters reported to the Board which are not relevant to the ordinary work of the Board
  - disclosure of employment, medical or credit histories or personal references of applicants for employment, unless the applicant has provided a written release
  - sale or release of lists of names and addresses in the possession of the Board, if such lists would be used for solicitation or fund raising purposes
  - disclosure of items of a personal nature when disclosure would result in economic hardship for the subject party and such records are not relevant or essential to the ordinary work of the Board
  - disclosure of items involving the medical or personal records of a client or patient in a hospital or medical facility
  - if disclosed, would impair present or imminent contract awards or collective negotiations
  - those confidentially disclosed to the Board and compiled and maintained for the regulation of commercial enterprise, e.g., trade secrets, or for the grant or review of a license

Exempt Records

- Records that are compiled for law enforcement purposes and which, if disclosed, would:
  - interfere with law enforcement investigations or judicial proceedings
  - would deprive a person of a right to a fair trial or impartial adjudication
  - identify a confidential source or disclose confidential techniques or procedures
  - reveal criminal investigative techniques or procedures
  - would endanger the life or safety or any person

Exempt Records

- Inter-agency or intra-agency communications (generally opinion, suggestion, recommendation), except:
  - statistical or factual tabulations or data (e.g., budgets, draft budgets)
  - instructions to staff which affect the public
  - final Board policy determinations
  - External audits, including but not limited to audits performed by the comptroller and the federal government
- It is noted that the language quoted above contains what in effect is a double negative. While inter-agency or intra-agency materials may be withheld, portions of such materials consisting of statistical or factual information, instructions to staff that affect the public, final agency policy or determinations or external audits must be made available, unless a different ground for denial could appropriately be asserted. Concurrently, those portions of inter-agency or intra-agency materials that are reflective of opinion, advice, recommendation and the like could be withheld

Deliberative Materials

- FOIL-AO-19189. "Deliberative" materials may properly be withheld. Those kinds of materials have been described by the Court of Appeals as those involving the expression or exchange of advice, opinions, recommendations, ideas and the like [Gould v. NYC Police Dept., 89 NYd 267, 277 (1996)]. Therefore, insofar as the records at issue include entries or communications of that nature, which typically are written in narrative form, I would agree that they may be withheld. Often inter-agency and intra-agency materials contain both factual information as well advice or opinions. In those instances, those latter portions consisting of advice or opinions may be redacted, but the remainder must, according to the Court of Appeals be disclosed. The Court in Gould found that an agency's "blanket" denial of access was inconsistent with FOIL, and that records must be reviewed in their entirety to determine which portions, if any, may justifiably be redacted

What is “Factual Data”?

- FOIL AO 19701. Although the term 'factual data' is not defined by statute, the meaning of the term can be discerned from the purpose underlying the intra-agency exemption, which is 'to protect the deliberative process of the government by ensuring that persons in an advisory role [will] be able to express their opinions freely to agency decision makers.
- Consistent with this limited aim to safeguard internal government consultations and deliberations, the exemption does not apply when the requested material consists of 'statistical or factual tabulations or data' (Public Officers Law 87[2][g][I]. Factual data, therefore, simply means **objective information, in contrast to opinions, ideas, or advice exchanged as part of the consultative or deliberative process of government decision making.**

Exempt Records

- Examination questions or answers that are requested prior to the final administration of such questions and which, if disclosed:
  - would jeopardize an agency's capacity to guarantee the security of its information technology assets (e.g., computer access codes)
- Records which if disclosed would impair present or imminent contract awards or collective bargaining negotiations
- Trade secrets that would impair the competitive position of commercial enterprises
- Computer access codes/e-mail addresses

Records that Must be Made Available to the Public

- A list of all District employees, including the name, title, business address and salary (not home address)
- Personal records when the person consents in writing
- Records of final votes of each Board member in every Board action in which members vote
- A reasonably detailed current list, by subject matter, of all records in possession of the school district, whether or not available under FOIL

Specificity of Request (Electronic Records)

- FOIL-AO-18949. From our perspective, every law must be implemented in a manner that gives reasonable effect to its intent, and we point out that in its statement of legislative intent, §84 of the Freedom of Information Law states that "it is incumbent upon the state and its localities to extend public accountability wherever and whenever feasible." Accordingly, until and unless the Law is amended to focus on the reality that the high volume of material that can be located with reasonable effort through electronic means, it is our opinion that it is unreasonable to require an agency to review thousands of records that may contain a particular search term or terms in response to a Freedom of Information Law request. As is the case here, it would be an unreasonable burden, in our view, to require an agency to review perhaps thousands of individual records in order to identify those portions of such records that are required to be made available
- Therefore, while you could initiate a judicial proceeding, it may be more efficient to narrow the scope of your request

Specificity of Request (Paper Records)

- FOIL-AO-18949. With respect to your request that a search be conducted for paper records that contain the identified terms, we rely on the Court's ruling in Konigsberg, discussed earlier, in support of our opinion that the agency has a responsibility to locate records based on the indexing system in place at the time of the request. If the agency is able to locate the requested records with reasonable effort, it is required to do so; however, nothing in the Law would require the agency to search every paper record in its custody to locate those that contain certain terms

Specificity of Request (General)

- FOIL-AO-16177 – request involved: "…all files, records (including electronic or magnetic), books, and papers located in Virginia Caputo's inner office and all files, records (including electronic or magnetic), books, and papers located in Virginia Caputo's outer office(s), or any rooms or hallways of the office of Appeals and Reviews under her general supervision…"

Specificity of Request (General)

- In my opinion, in consideration of the nature of your request, staff cannot "identify" the records of your interest. If, for instance, numerous filing cabinets are located in the offices of or under the general supervision of a particular employee, I do not believe that a request for all records contained in those filing cabinets or the employee's inner and outer offices would identify records in any meaningful way or, therefore, reasonably describe records.

Specificity of Request (General)

- FOIL-AO-18949
  - Agency officials are not required to search through the haystack for a needle, even if they know or surmise that the needle may be there.
  - Agency staff are not required to engage in herculean or unreasonable efforts in locating records to accommodate a person seeking records.

Appeals

- If access to records is neither granted nor denied within any of the above time periods, it will constitute a denial which may be appealed
- Any person denied access to records may appeal to the Records Appeal Officer (or Board of Education) within 30 days of the denial. The appeal must be in writing and include the date and location of the records requested, the records denied and the name and return address of the person appealing. A copy of all appeals, along with the ensuing determination of such appeal, must be sent to the Committee on Open Government: Committee on Open Government, 41 State Street Albany, New York 12231

Appeals

- The Records Appeal Officer has 10 business days after receipt of any appeal to grant access or fully explain in writing the reasons for further denial
- If no response is given within that 10 business day period, the requester may commence a judicial proceeding (Article 78) to challenge the denial of access (which may include an award of attorney's fees)

Attorney's Fees

- Attorney's Fees: When an individual initiates a judicial proceeding under FOIL (e.g., for a denial of records that is unreasonable or for inordinate delays in responding to FOIL requests), and substantially prevails, the court has discretionary authority to award costs and attorney's fees when the agency had NO REASONABLE BASIS for denying access to records or when the agency FAILED TO COMPLY WITH THE TIME LIMITS for responding to a request. In the past, attorney's fees and costs could not be awarded by a court where the court found that the records sought were of clearly significant interest to the general public

Can You Charge Fees?

- The District may not charge a fee for searching the files for records, for inspection of records or certification of records
- The District may charge a fee of 25¢ per page, up to 9 x 14 inches or the actual cost of reproduction for other documents, unless a different fee is set forth in statute. The District may charge for the storage medium (e.g., audiotape, videotape, CD, DVD)
- Where an individual requests a copy of a record in a form other than paper, the cost of reproducing the record may include the hourly salary paid to the lowest paid agency employees who have the skill to prepare a copy of the record (only when more than 2 hours of the employee's time is necessary to do so), the cost of the storage device or media provided to the individual making the requester and the cost of engaging an outside organization to produce a copy of the record if that is necessary (where the agency does not have information technology sufficient to prepare a copy). The new law also requires records to be provided to the requester in the form and format requested by the individual making the request

Requests for Emails

- An electronic communication will be subject to FOIL to the same extent as any other document. To the extent that the e-mail consists of opinion, recommendation or suggestion, it would constitute intra-agency or inter-agency materials and may not have to be provided. However, if it consists of statistical or factual tabulations or data, instruction to staff that affect the public, final agency policy or determinations, or external audits, it would be accessible
- FOI-AO-18863. In our view, a request for email encompassing thousands of communications, each of which would require review to determine rights of access, might not be considered to have met the standard of reasonably describing the records. Rather, if a request can be framed in relation to a particular issue or subject, and if a search can be made and records or data can be retrieved, extracted or located in conjunction with that issue or subject, the request might be found to have reasonably described the records sought. A request for "all" records, without limitation, that include a certain name, for example, might not be found to reasonably describe the records when a search using that name produces thousands of email communications or other records irrespective of the content of those items

Requests for Voluminous Records

- A request may generally not be denied based upon the fact that the request is voluminous or that locating or reviewing the requested records is burdensome because the agency lacks sufficient staffing if an outside professional service can be engaged to do the copying, programming, etc. and the costs passed on to the requester
- A voluminous request, standing alone, does not provide a basis for denial of a FOIL request. The means of the agency to process the request based upon the technology of its retrieval system and the possible use of outside resources to enable the fulfillment of the request are the key considerations for approval or denial: “If the agency may engage an outside professional service to provide copying, programming or other services required to provide the copy, the cost of which the agency may recover pursuant to § 87[1][c], the request may not be denied based upon the inability of the school district to produce the requested information through its internal operations.” (See §89[3][a].)

Requests for Voluminous Records

- In Time Warner Cable News NY1 v. N.Y. City Police Dept (2016), the court stated that an agency relying on the volume of a request as a basis for denial of a request must: “first establish that the request is unduly burdensome and, second; establish that an outside service cannot be utilized to comply with the request.” However, if the request could be fulfilled through the use of an outside source, then, if the requester is willing to pay the price as provided in the statute, the disclosure must be made.

Requests for Voluminous Records

- Where the information requested involves numerous references to personally identifiable student information that is FERPA protected and the volume of the materials identified as being potentially subject to the FOIL request creates an undue burden to process for disclosure, some courts have held that disclosure will not be required. o(See Huseman v. NYC DOE (2016) – 2,900 documents contained personally identifiable student information that made the potential disclosure process unreasonable burdensome.
- Sometimes the court will make the burdensomeness determination based upon affidavits alone, and other times the court will require a hearing before ruling out a disclosure obligation.

Requests for Voluminous Records

- In summary, if a school district seeks to deny a FOIL request based upon the voluminous and burdensome nature of the request, it will have the burden of proving that its decision is justified. If the means to effectuate the disclosure would require the use of outside resources at an expense that may be passed through to the requester, prior to making the disclosure decision, the requester must be given the opportunity to pay for the cost of enabling the disclosure

Does the Purpose for Requesting the Records Matter?

- "FOIL does not require that the party requesting records make any showing of need, good faith or legitimate purpose; while its purpose may be to shed light on government decision-making, its ambit is not confined to records actually used in the decision-making process. (Matter of Westchester Rockland Newspapers v. Kimball) Full disclosure by public agencies is, under FOIL, a public right and in the public interest, irrespective of the status or need of the person making the request" (Farbman v. NYC Health and Hospitals Corporation (1984).
- However, an agency may appropriately require that an applicant for a list of names and addresses provide an assurance that a list of names and addresses will not be used for commercial or fund-raising purposes.

Requests for Access to Public Employee's Personnel File

- A public employee's personnel file is available, in part, to the public. Information such as the individual's home address, telephone number, social security number, retirement system number, is not available and, therefore, would have to be redacted from the records. Information regarding public employment is available, but information regarding private employment and private references is not
- The school address and telephone number are public

District Business Conducted From Home Computers

- FOIL-AO-19243. Outside of New York City, there are innumerable small units of local government, i.e., towns, villages and school districts; members of their governing bodies are not generally full time and they do not work out of government offices. On the contrary, often they communicate from their homes with each other, with staff, and with their constituents using their personally owned computers in carrying out their governmental functions. That being so, this office has long advised that those communications constitute "records" that fall within the coverage of FOIL. Whether they must be disclosed, as in all other instances, would be dependent on the content of the records

Requests for Access to Records Involving Internet Use

- The courts have found that, as a general rule, records that are relevant to the performance of the official duties of a public officer or employee are available, for disclosure in such instances would result in a permissible rather than an unwarranted invasion of personal privacy
- Conversely, to the extent that items relating to public officers or employees are irrelevant to the performance of their official duties, it has been found that disclosure would indeed constitute an unwarranted invasion of personal privacy
- When a public officer or employee uses a personal computer or laptop in the course of his or her official duties, logs involving the use of that computer, would, at least in COOG's view, be relevant to the performance of that person's duties

Email Addresses

- FOI-AO-18882. COOG position is that justifying a denial of access to email addresses, other than those that cannot be disclosed based on FERPA, would be difficult today, and likely more so as time progresses
- COOG's analysis is, in part, as follows: Email addresses do not themselves include intimate, highly personal information, i.e., one's religion, physical characteristics, medical or financial information. Many email addresses cannot identify an individual because many use addresses that consist of words, or a series of letters or numbers, that do not lead to our names or addresses. If the District denies access to the list of email addresses, and the judge asks to inspect the list in camera, in private, sees an email address, and asks the attorney, "whose email address is this?", the attorney would, in many cases, be unable to inform the court of the individual's identity. That being so, how could disclosure result in an unwarranted invasion of personal privacy?
- What about personal email addresses?

Records Maintained in Computer Storage Systems

- POL Section 89(3)(a). "When an agency has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, it shall be required to do so. When doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the agency shall be required to retrieve or extract such record or data electronically. Any programming necessary to retrieve a record maintained in a computer storage system and to transfer that record to the medium requested by a person or to allow the transferred record to be read or printed shall not be deemed to be the preparation or creation of a new record." [POL §89(3)(a)]

Responding to Combined FOIL/FERPA Requests

- The District's Records Access Officer should consider whether he/she is the proper individual to be responding to requests made under statutory provisions other than FOIL (e.g., FERPA or IDEA)
- The latter involve different timelines for response, different remedies for failing to properly respond and, importantly, generally involve a right to "inspect and review" as opposed to a right to obtain copies of the records at issue

Recent Developments

- Chapter 302, Laws of 2024 - Notification of Public Employee when a FOIL request is made for the employee's disciplinary records.
  - ✓ Notification in writing to current and former employees that the district has responded to a FOIL request for their disciplinary records
  - ✓ Notification to current employee's address on file and for former employees, to the last known address or email address.
  - ✓ If current contact information cannot be found, must document the attempts.
  - ✓ Disciplinary records include:

Recent Developments

- FOIL – Employee Notification (cont'd)
  - Complaints, allegations and charges against the employee
  - Name of employee complained of or charged
  - Transcript of any disciplinary hearing, including exhibits introduced
  - Disposition of disciplinary proceeding
  - Final written opinion or memorandum supporting the disposition and discipline imposed, including the district's complete factual findings and its analysis of the conduct and appropriate discipline of the employee
  - ✓ FOIL Policy should be revised to include this information.

Recent Developments

- Personal Email Addresses
- February 2026 Court of Appeals decision, *Russell v. Town of Mount Pleasant,* held that personal email addresses of Town residents who subscribe to the Town's "E-news" are exempt from disclosure under FOIL as an unwarranted invasion of personal privacy.
- The Court held that the privacy interests in keeping the information confidential are significant and the disclosure of the personal email addresses would serve no public interest.
- The Court also said that disclosure could have a negative effect on public engagement.

Questions?

