

**SUBJECT: PUBLIC ACCESS TO RECORDS****Purpose and Scope**

- 1) 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.
- 2) 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 this Public Officers Law Article 6.
- 3) 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.
- 4) Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.
- 5) 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;
  - 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;

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- d. Upon payment of, or offer to pay, the established fee (if applicable):
  - (1) Provide copies of records;
  - (2) Upon request, certify that a record is a true copy;
- e. Upon failure to locate records, certify that:
  - (1) The District is not the custodian for such records, or
  - (2) The records cannot be found after diligent search.

**Subject Matter List**

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

**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.
- 2) A request shall reasonably describe the record or records sought. Whenever possible a person requesting records should supply information regarding dates, file designations or other information that may help to describe the records sought.

**Response to Requests for Access to Records**

- 1) 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:
  - a. Are specifically exempted from disclosure by state or federal statute;

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- b. If disclosed would constitute an unwarranted invasion of personal privacy under the provisions of Public Officers Law Section 89(2);

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 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 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.

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.
- c. If disclosed would impair present or imminent contract awards or collective bargaining negotiations;
- d. Are compiled for law enforcement purposes and which, if disclosed would:
- (1) Interfere with law enforcement investigation or judicial proceedings;
  - (2) Deprive a person of a right to a fair trial or impartial adjudication;

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- (3) Identify a confidential source or disclose confidential information relating to a criminal investigation; or
  - (4) Reveal criminal investigative techniques or procedures, except routine techniques and procedures.
  - e. If disclosed would endanger the life or safety of any person;
  - f. Are inter-agency or intra-agency materials which are not:
    - (1) Statistical or factual tabulations or data;
    - (2) Instructions to staff that affect the public;
    - (3) Final agency policy or determinations; or
    - (4) External audits, including but not limited to audits performed by the comptroller and the federal government.
  - g. Are examination questions or answers which are requested prior to the final administration of such questions.
  - h. Are computer access codes.
- 2) The District shall, within five (5) business days of receipt of a written request for records(s) reasonably described, make the record(s) available to the person requesting them, deny the request in writing or furnish a written acknowledgment of receipt of the request and a statement of the approximate date when such request will be granted or denied.
  - 3) Denial of access shall state the reason for the denial and advise the person denied access of his/her right to appeal to the person or body established to hear appeals. That person or body shall be identified by name, title, business address and business telephone number. The Records Access Officer shall not be the appeals officer.

**Appeals**

- 1) Any person denied access to records may appeal within thirty (30) days of a denial.
- 2) If the District fails to respond in any manner to a request within five (5) business days of receipt of a request, as required in Public Officers Law Section 89(3), such failure shall be deemed a denial of access by the agency.

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- 3) The Superintendent shall hear appeals or shall designate a person or body to hear appeals regarding denial of access to records under the Freedom of Information Law.
- 4) The time for deciding an appeal by the individual or body designated to hear appeals shall commence upon receipt of written appeal identifying:
  - a. The date and location of the request for records;
  - b. The records that were denied; and
  - c. The name and return address of the appellant.
- 5) The District shall transmit to the Committee on Open Government copies of all appeals upon receipt. Such copies shall be addressed to:

Committee on Open Government  
Department of State  
162 Washington Avenue  
Albany, New York 12231
- 6) The person or body designated to hear 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.
- 7) Further denial of access by the Superintendent/Appeals Officer to a requested record shall be subject to court review in accordance with Civil Practice Law and Rules Article 78.

**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:
  - a. The fee for copying records shall not exceed twenty-five cents (25¢) per page for photocopies not exceeding 8 ½ by 14 inches except when a different fee is otherwise prescribed by law.
  - b. The fee for copies of records not covered by paragraph a. (above) shall not exceed the actual reproduction cost.

**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.
- 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.

## Community Relations

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<u>Responsibility</u>	<u>Action</u>
Requester	1) a. Obtains Application For Public Access To Records request (Form #3310F) to inspect or copy record(s) from Records Access Officer. b. Completes Application For Public Access To Records request (Form #3310F) and submits to Records Access Officer.
Records Access Officer	2) Determines if record(s) specified on form is/are available for inspection and copying: <ul style="list-style-type: none"> <li>a. If available, directs requester within five (5) business days of receipt of request to place where record(s) may be inspected and copied.</li> <li>b. If not available, notes reason for unavailability on request form, returns copy to requester within five (5) business days of receipt of request, and informs requester of right to appeal.</li> <li>c. If unable to grant or deny access to records within five (5) business days of receipt of request, furnishes written acknowledgment of receipt of request and statement of approximate date when determination will be made.</li> </ul>
Requester	3) If not satisfied with response submits written appeal to the Appeals Officer within thirty (30) days.
Superintendent/Appeals Officer	4) Within ten (10) business days of the receipt of an appeal, shall: <ul style="list-style-type: none"> <li>a. Further deny access to records sought, fully explaining in writing or;</li> </ul>

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**SUBJECT: PUBLIC ACCESS TO RECORDS (Cont'd.)**

<u>Responsibility</u>	<u>Action</u>
Superintendent/Appeals Officer (Cont'd.)	b. Provide access to the records sought. c. Submits to Committee on Open Government a copy of Appeal and final determination.
Requester	5) If denied further access by the Appeals Officer, may bring a proceeding for review of such denial pursuant to Article 78 of the Civil Practice Law and Rules.



JORDAN-ELBRIDGE CENTRAL SCHOOL DISTRICT
APPLICATION FOR PUBLIC ACCESS TO RECORDS

TO: RECORDS ACCESS OFFICER

Name of Agency

Address

I hereby apply to inspect the following record(s)

For the following purpose(s)

Print Name Signature Date

Representing Mailing Address

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FOR AGENCY USE ONLY

[ ] Approved Inspection [ ] Approved for Copies Pages at \$ per page

Total Received \$

Denied (for the reason(s) checked below)

- [ ] Confidential Disclosure [ ] Part of Investigatory Files
[ ] 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)

Signature, Records Access Officer Date

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NOTICE: You have a right to appeal a denial of this application to the Superintendent of Schools, who must fully explain his/her reasons for such denial in writing within ten (10) business days of receipt of an appeal.

Name Business Address

I hereby appeal:

Signature Date