

## Policy Information

### Series 1000 - Community Relations

#### Public Activities Involving Staff, Students or School Facilities

##### Access to Records

Policy # 1340

It is the policy of this School District to make available to the public all materials and records required to be made public pursuant to Article 7 of the New York State Public Officers Law, known as the Freedom of Information Law.

Section 1 - Designation of District Officers. The Board of Education shall designate persons at its annual organizational meeting to serve as Records Access Officer, Records Appeal Officer and Records Management Officer.

- (a) Records Access Officer. The Records Access Officer shall receive, review and respond to requests for District records. The Records Access Officer shall compile and maintain a reasonably detailed current list, by subject matter, of all records in the possession of the District, whether or not available to the public.
- (b) Records Appeal Officer. The Records Appeal Officer shall hear appeals for denials of access to records under the Freedom of Information Law.
- (c) Records Management Officer. The Records Management Officer shall develop and oversee the orderly and efficient management of District records.

Section 2 - Location for Submission of Requests for Inspection or Copies of Records. The following is designated as the location to receive requests for inspection and/or copies of District records:

District Office

Administration Building

1086 East Main Street

Shrub Oak, New York 10588

Requests to inspect or secure copies of District records may be made on any District business day, between the hours of 9:00 A.M. and 11:30 A.M. and 1:30 P.M. and 4:00 P.M.

Section 3 - Procedures. The following procedures shall be followed in connection with requests to inspect or secure copies of District records:

- (a) Requests to inspect or secure copies of records shall be submitted, in writing or by electronic mail, to the Records Access Officer or the officer's designated representative. Requests by mail for copies of available records should be addressed to the Records Access Officer. Forms prescribed by the District are available at the District Office and on the District website.
- (b) 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.
- (c) The Records Access Officer or the officer's designated representative shall review each request and determine whether the records specified in the request are available for inspection and/or copying within five (5) business days of receipt of the request. The Records Access Officer may grant such request, in whole or in part, deny such request, in whole or in part, or furnish written acknowledgment of the receipt of such request within such five (5)

business day period, together with a statement of the approximate date when such request will be granted or denied, which date must be reasonable under the circumstances (e.g., volume of documents requested, time involving in locating the material, complexity of issues involved) and may not exceed twenty (20) business days. If the request cannot be met within twenty (20) business days, a written explanation must be provided to the requester explaining the reason additional time is required, as well a specific date when the request will be granted or denied, which date must be reasonable under the circumstances.

(d) If records are determined to be available, the Records Access Officer or the officer's designated representative will direct the requester to the time and place where the requested records may be inspected generally within twenty (20) business days, and will arrange for the preparation of copies, upon payment of the required fee. Any document or record must be examined within the District Office, or other location designated by the Records Access Officer within the District and may not be removed from such building. Upon request, the copies of the requested records will be certified. A request that records be transmitted by electronic mail shall be complied with to the extent that the District has the ability to do so. To prevent the unwarranted invasion of personal privacy, certain identifying details may be deleted when making District records available.

(e) With regard to records which are determined not to be available, the Records Access Officer will make the denial of access in writing, stating the reason(s) therefor and advising the requester of the right to appeal the denial of access to the Records Appeal Officer, including his/her name, title, business address and business telephone number, within thirty (30) days.

(f) The District shall provide the records on the medium requested if the District can reasonably make such copy.

#### Section 4 - Appeals.

(a) Appeals shall be in writing, directed to the Records Appeal Officer. Forms prescribed by the District are available at the District Office.

(b) An appeal must be filed within thirty (30) days of the receipt of the written determination of the Records Access Officer. The appeal shall identify:

1. The date and location of the request for records.
2. The records that were denied.
3. The name and return address of the appellant.

(c) The Records Appeal Officer shall, within ten (10) business days of the receipt of an appeal, determine the request and provide access to the records sought or explain, in writing, to the requester the reasons for further denying access to the requested records. Upon receipt of an appeal, of copy of the appeal shall be forwarded to:

New York State Committee on Open Government

41 State Street

Albany, New York 12231

A copy of the written determination shall also be forwarded to the Committee on Open Government.

(d) A final denial of access to requested records shall be subject to court review, as provided for in Article 78 of the Civil Practice Law and Rules.

#### Section 5 - Fees.

- (a) The fees for copies of available records shall be 25¢ per page for copies not exceeding 9 by 14 inches in size, or the actual costs of reproduction of any other record. Fees shall be paid in cash, or by check or money order payable to Lakeland Central School District.
- (b) For documents larger than 9 x 14 inches, tape or cassette records, computer tapes or disks, computer printouts, and other computerized records, the cost will generally be based on the cost of the storage medium. In the event substantial time is needed to prepare a copy of the information (at least two hours of an employee's time), the fee will be based on the cost of the storage medium and the hourly salary of the lowest paid employee who has the skill to prepare a copy of the information. If the District's information technology equipment is not capable of preparing a copy, the District may charge the actual cost of engaging a private professional service to do so. The requester must be notified of the fee prior to preparing a copy of the record if more than two hours of employee time or an outside professional service is needed to prepare a copy of the record.
- (c) There shall be no fee charged for inspection of records, search for records or any certification of records. However, if the records are requested to be mailed, a fee for postage may be charged.

#### Section 6 - Subject Matter List

- (a) The District shall 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.
- (b) The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
- (c) The subject matter list shall be updated periodically, but at least once per year. The most recent update shall appear on the first page of the subject matter list.

Section 7 - Prevention of Unwarranted Invasion of Privacy. In order 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 is not limited to:

1. disclosure of confidential personal matters reported to the District which are not relevant to the ordinary work of the District;
2. 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;
3. sale or release of lists of names and addresses in possession of the District, if such lists would be used for private, commercial, or fund raising purposes;
4. 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 District.
5. disclosure of information of a personal nature contained in a workers' compensation record, except as provided by Section 110-a of the Workers' Compensation Law.

Unless otherwise deniable, disclosure shall not be construed to constitute an unwarranted invasion of personal privacy when identifying details are deleted; when the person to whom the records pertain consents, in writing, to disclosure; or a person seeks access to records pertaining to him/herself.

Section 8 - Public Notice. The District shall publicize by posting in a conspicuous location and/or by publication in a District-wide mailing or in a local newspaper of general circulation:

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 a person denied access to a record and the name and business address of the Records Appeal Officer.

Section 9 – Litigation Hold. The Superintendent will communicate with applicable parties, including the school attorney and the records management officer, to ensure that, when a litigation is commenced, a “litigation hold” is properly implemented. The litigation hold is intended to prevent the destruction or disposal of records that the School District may need to produce as part of discovery. It is the intention of the Board of Education to comply with applicable rules and regulations regarding the production of necessary documents, data, files, etc.

In the event that litigation is commenced, the Superintendent will designate a “discovery team” comprised of the school attorney or insurance designated counsel, Director of Technology, the Records Access Officer and Records Management Officer, will ensure that measures are put in place to preserve applicable records.

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