

## **OPERATIONS**

### **Freedom of Information Law (FOIL) Policy**

- I. STATEMENT** New York State's Freedom of Information Law (FOIL) allows members of the public to access records from certain agencies including municipal, school district, and special legislative district libraries. As a public library, the Red Jacket Community Library is bound to conform to the requirements of this law. The Library strives to meet expectations of transparency and will consider all information requests under the provisions of the law.
- II. PURPOSE** The Red Jacket Community Library has adopted this policy to ensure transparency of records and administration documents. The primary goals are to establish:
  - (a) The administrator of Library records
  - (b) The process for requesting information from the Library
  - (c) The Library's process for responding to information requests
- III. POLICY**
  - A. RECORDS ACCESS OFFICER**
    1. The Board of Trustees is responsible for ensuring compliance with FOIL, and designates the Library Director as Records Access Officer.
    2. The Records Access Officer is responsible for ensuring appropriate Library response to public requests for access to records. To that end, the Records Access Officer shall ensure that Library personnel:
      - a. Maintain an up-to-date subject matter list consistent with the Library's records management policies
      - 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 involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.
      - d. Upon Locating the records, take one of the following actions:
        - i. Make records available via copying or inspection; or
        - ii. Deny Access to the records in whole or in part and explain in writing the reasons therefore.
      - e. Upon request for copies of records:
        - i. Make a copy available upon payment or offer to pay established fees per this policy; or,
        - ii. Permit the requester to copy these records.
      - f. Upon request, certify that a record is a true copy; and
      - g. Upon failure to locate records, certify that:
        - i. The Library is not the custodian for such records, or

ii. The records of which the Library is a custodian cannot be found after diligent search.

B. POSTED NOTICE

1. The Library shall post the Model Public Notice at the following public location:
  - a. The Red Jacket Community Library circulation desk

C. HOURS FOR PUBLIC INSPECTION

1. Requests for public access to records shall be accepted and records produced during the Library's regular operating hours.

C. REQUESTS FOR PUBLIC ACCESS TO RECORDS

1. To ensure clarity, a written request is required, oral requests will not be accepted. If the requests are maintained on the internet the requester shall be informed that the records are accessible via the internet and in printed form, either on paper or other information storage medium.
2. The Records Access Officer shall generate a response within five business days of receipt of a request by:
  - a. informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;
  - b. granting or denying access to records in whole or in part;
  - c. acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part;
  - d. if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.
3. In determining a reasonable time for granting or denying a request under the circumstances of a request, the Records Access Officer shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of

requests received by the Library, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

D. SUBJECT MATTER LIST

1. The Records Access Officer shall maintain a reasonably detailed current list by subject matter of all records in its possession. Such list shall comport with the requirements of the LGS-1.

E. DENIAL OF ACCESS TO RECORDS

1. Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the individual or body established to determine appeals, [who or which] shall be identified by name, title, business address and business phone number.
2. If requested records are not provided promptly, as required in Section 5 of these regulations, such failure shall also be deemed a denial of access.
3. The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:
  4. President of the Board of Trustees
  5. Any person denied access to records may appeal within thirty days of a denial.
  6. The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:
    - a. the date and location of requests for records;
    - b. a description, to the extent possible, of the records that were denied; and
    - c. the name and return address of the person denied access.
3. A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.
4. The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be sent by email to [coog@dos.ny.gov](mailto:coog@dos.ny.gov) or mailed to the address below:

Committee on Open Government  
Department of State  
One Commerce Plaza  
99 Washington Avenue, Suite 650  
Albany, NY 12231

7. The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth subdivision (f) of this section.

F. FEES

1. There shall be no fee charged for:
  - a. inspection of records
  - b. search for records; or
  - c. any certification pursuant to this part.
2. Copies may be provided without charging a fee.
3. Fees for copies will be charged, with the following parameters:
  - a. the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches.
  - b. the fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction; or
  - c. a Library has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.
4. The fee a Library may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:
  - a. an amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and
  - b. the actual cost of the storage devices or media provided to the person making the request in complying with such request; or
  - c. the actual cost to the Library of engaging an outside professional service to prepare a copy of a record, but only when a Library's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.
5. When a Library has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the Library shall be required to retrieve or extract such record or data electronically. In such case, the Library may charge a fee in accordance with paragraph (4), (1) and (2) above.
6. A Library shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of a Library employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.
7. A Library may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.
8. A Library may waive a fee in whole or in part when making copies of records available.

G. ONGOING USE EVALUATION

1. The Freedom of Information Law Policy will be periodically evaluated in relation to the mission of the Red Jacket Community Library and in accordance with all local, state, and federal laws and regulations by the Library Director and Board of Trustees. The Library

Director and Board of Trustees may update or modify the FOIL Policy as necessary.  
Modifications must be reviewed and approved by the Board of Trustees at an open meeting.

**IV. REFERENCES**

- A. The full scope of The New York State’s Freedom of Information Law, Public Officers Law Article 6 §87, can be found on the New York State Committee on Open Government website.

Revision History	
Nov 2020	New document
Jan 2025	Changes to abide by Committee on Open Government model policy, added a FOIL Subject Matter List