

Resolution:

Village of St. Johnsville, NY Freedom of Information Law

The board adopts the attached FOIL policy under New York Public Officers Law. The Village Clerk is designated as the records officer, responsible for processing requests, coordinating record retrieval, and ensuring responses comply with state law. The mayor designates a FOIL appeals officer as required. All village officers, employees, departments, boards, and committees shall cooperate with the Records Access Officer in identifying and producing records. The policy takes effect immediately upon adoption, to include any pending FOIL requests.

Purpose and Scope

This policy provides guidance on the maintenance and release of village records. Protected information is separately covered in the Protected Information Policy.

Policy

The Village of St. Johnsville is committed to providing public access to records in a manner that is consistent with the New York State Freedom of Information Law

Records Access Officer

The Mayor has designated the Records Access Officer as the Village Clerk. The responsibilities of the Records Access Officer include, but are not limited to:

- a. Managing the records management system for the village, including the retention, archiving, release, and destruction of village public records.
- b. Maintaining and updating, and ensuring compliance with the village records retention schedule in accordance with Schedule LGS-1 for village agencies, including:
 - a. Identifying the minimum length of time a department must keep records
 - b. Identifying the department responsible for the original records
 - c. Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records, maintaining and ensuring the availability of a current schedule of fees as allowed by law.

- d. Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- e. Establishing rules regarding the processing of subpoenas for the production of records.
- f. Processing requests for public records.

All requests must be submitted to the Records Access Officer.

Requests for Records

The processing of requests for any record is subject to Public Officers Law 87 and 89.

- a. Requests for records shall be in writing and reasonably describe the records requested. Requests shall also be accepted by electronic mail and responded to by electronic mail provided that the written request does not seek a response in some other form
- b. The Village is not required to create records that do not exist.
- c. A request for records shall be responded to within five (5) business days of receipt of the request by making the record available, denying the request by written notice that includes the reason for denial, or furnishing a written acknowledgement of the request and providing a reasonable date the request will be granted or denied, including, where appropriate, that access will be determined in accordance with Public Officers Law 87
- d. If a request is to be granted in whole or in part and circumstances prevent disclosure of the record within 20 business days from the date of acknowledgement, the Village shall provide the requester with a written statement of the reason for the inability to grant the request and a certain date within a reasonable period when the request will be granted in whole or in part.
- e. If a request is determined by the Records Access Officer to be extensive in nature and the search and transmittal of records cannot reasonably be completed within the 20 business day window, the Records Access Officer shall provide the requester with a schedule of when records will become available.
- f. Requests that are not complied within the described time limitations will be considered a denial and subject to an appeal.
- g. When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

- h. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for redactions.
- i. Records shall be provided on the medium requested by the requester if the Village can reasonably make a copy or a copy can be made by engaging an outside professional service.
- j. Upon request, certification shall be provided in the following circumstances:
 - a. The village ensures that the copy of the record is correct, does not have possession of the record, or the record cannot be found after a diligent search.

Appeals of Denials

When a record is denied, the requester may appeal to the Mayor within 30 days. The notice of the appeal shall be routed to the Records Access Officer and the Mayor. The village shall have the burden of proving that the denial was subject to one of the exemptions pursuant to the Public Officers Law 87(2).

A detailed written response to the appeal shall be provided to the requester within 10 business days explaining the reasons for further denial or that access will be provided to the record.

Release Restrictions

Personal identifying information, to include an individuals photograph, social security number, drivers license number, name, address, phone number, medical information, motor vehicle records, department record to including motor vehicle accident reports, information in personnel or similar files that would be an unwarranted invasion of personal privacy, records that if disclosed would constitute an unwarranted invasion of personal privacy and addresses, personal telephone numbers, personal cell phone numbers and personal email addresses of an employee.

Released Records to be marked

Each page of any written record released pursuant to this policy should be stamped in colored ink or otherwise marked to indicate the Village name and to whom the record was released.

Sealed records

Sealed records orders received by the Village shall be reviewed for appropriate action by the Records Access Officer. The Records Access Officer shall seal such records as ordered by the court. Once sealed, the Records Access Officer shall respond to any inquiry as though the record did not exist.

Judicial Records for Village Matters

Requests for local judicial records related to matters within the Village shall be denied as those records are not maintained by the Village and are not available through the Village's Records Access Officer. Such requests will need to be processed through the Town Court pursuant to the Uniform Justice Court Act.

Inspection and Copying of Village Public Records

Records are available for inspection, by appointment, at the discretion of the Records Access Officer. Upon receipt of a request to inspect records, the Records Access Officer will notify whether the records will be made available for inspection and of the earliest available appointment.

Fee Schedule for FOIL Requests

In accordance with the New York State Freedom of Information Law, as set forth in Public Officers Law Article 6, 87, the Village will charge fees associated with the reproduction and preparation of records requested under FOIL as follows:

- a. Standard Paper copies
 - a. A fee of \$.25 per page will be charged for standard paper copies, up to 9x14. Double-sided pages shall be charged as two individual pages.
- b. Actual Cost of Reproduction
 - a. For records that are not standard paper copies, or when preparation of records requires significant use of staff time, technology, or redaction which exceeds two hours, the village will charge the actual cost of reproduction as permitted under Public Officers Law 87(1)©(i), (ii), and (iv), This includes Hourly Salary. Fees will be based on the base hourly wage of the Records Access Officer. If the search is estimated to take more than five hours the requestor shall be advised and a \$100 deposit for time shall be paid for every

five hour increment. Any pending requests at the time of this policy is subject to the fee schedule and the requestor shall be notified.

c. Additional Costs

- a. The actual cost of materials, e.g. cd's, dvd's, flash drives, etc., equipment use, outside professional services (if needed), and mailing or delivery will be added when applicable.

d. DUE TO SECURITY, NO OUTSIDE MATERIALS PROVIDED BY THE REQUESTOR SHALL BE USED.

Payment

A requestor shall be notified of the estimated cost of preparing a copy of the record if more than two hours of time is needed.

All fees are billed prior to the release of any records.

Payment should be made by check, or money order, payable to the Village of St. Johnsville and sent

ATTN: Records Access Officer, 16 Washington St., St. Johnsville, NY 13452

Upon receipt of payment, we will prepare and forward a copy of the applicable records directly to the requestor.

Be advised that a criminal investigation will be conducted and appropriate charges may be brought pursuant to the New York State Penal Law if a check is returned due to insufficient funds or accounts closed.

Records Access Officer is the Village Clerk

Appeals Officer shall be: The Village Mayor

This policy should be reviewed and kept up to date annually preferably during the reorganization meeting.