

SYOSSET CENTRAL SCHOOL DISTRICT

SCHOOL DISTRICT RECORDS

Policy 1120

It is the policy of the Board of Education to inform members of the public about the administration and operation of the public schools in accordance with the Freedom of Information Law of the State of New York.

The Superintendent of Schools shall develop regulations ensuring compliance with the Freedom of Information Law and setting forth the procedures to be followed to obtain access to school district records, and submit such regulations to the Board for approval. The Superintendent of Schools shall designate, with Board approval, a Records Access and Records Management Officer, pursuant to law.

Retention and Destruction of Records

The Board of Education hereby adopts the Records Retention and Disposition Schedule ED-1 issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, which contains the legal minimum retention periods for school district records. In accordance with Article 57-A, the School District will dispose of only those records described in the schedule after they have met the minimum retention periods set forth in the schedule. The School District will dispose of only those records that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond the established legal minimum periods.

The Superintendent of Schools will establish procedures in the event that the School District is served with legal papers. The Superintendent of Schools will communicate with applicable parties, including the school attorney and the records management official, to ensure that, when appropriate, a litigation-hold is properly implemented. The litigation-hold is intended to prevent the destruction or disposal of records that may need to be produced 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. The Board of Education directs the Superintendent of Schools to institute such procedures to implement this policy.

Cross-ref:

Ref: Public Officers Law §84 *et seq.* (Freedom of Information Law)
Education Law §2116
Arts and Cultural Affairs Law §57.11
Local Government Records Law, Article 57-A
Federal Rules of Civil Procedure, 16, 26
8 NYCRR Part 185 (Appendix I)

Adoption Date: March 16, 2015

SYOSSET CENTRAL SCHOOL DISTRICT

SCHOOL DISTRICT RECORDS

Exhibit 1 to Policy 1120

APPLICATION FOR PUBLIC ACCESS TO RECORDS

(Via Mail or E-Mail)

[Note to the public *{for use on School District website}*: This form's language is optional but may enhance your use of the Freedom of Information Law. You may choose to utilize certain portions that are most applicable to your request. You may cut and paste the entire form into a new e-mail, read all provisions, and delete and/or modify those that do not apply. The subject line of your request should be "FOIL Request".]

{Include School District mailing address/e-mail address, as appropriate}

Dear Records Access Officer:

1. Please e-mail/mail the following records if possible [include as much detail about the record as possible, such as relevant dates, names, descriptions, etc.]:
2. Please advise me of the appropriate time during normal business hours for inspecting the following records prior to obtaining copies [include as much detail about the records as possible, including relevant dates, names, descriptions, etc.]:
3. Please inform me of the cost of providing paper copies of the following records [include as much detail about the records as possible, including relevant dates, names, descriptions, etc.].
4. If all the requested records cannot be e-mailed/mailed to me, please inform me by e-mail/mail of the portions that can be e-mailed/mailed and advise me of the cost for reproducing the remainder of the records requested (\$0.25 per page or actual cost of reproduction).
5. If the requested records cannot be e-mailed/mailed to me due to the volume of records identified in response to my request, please advise me of the actual cost of copying all records onto a CD or floppy disk.
6. If my request is too broad or does not reasonably describe the records, please contact me via e-mail/mail so that I may clarify my request, and when appropriate inform me of the manner in which records are filed, retrieved or generated. If it is necessary to modify my request, and an e-mail/mail response is not preferred, please contact me at the following telephone number: _____.

If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name, address and e-mail address of the person or body to whom an appeal should be directed.

Name: _____

Address [if records are to be mailed]: _____

SYOSSET CENTRAL SCHOOL DISTRICT

SCHOOL DISTRICT RECORDS

Exhibit 2 to Policy 1120

AGENCY RESPONSE TO REQUEST FOR RECORDS

Dear Applicant for Records:

We received your request for records pursuant to the Freedom of Information Law on [fill in date received, or next business date received, if received after normal business hours]:

_____.

1. Attached are electronic copies/paper copies of the records that you _____ requested.
2. The records that you have requested to inspect will be made available for inspection on [insert date] _____ at [insert time] _____. After inspecting the records, you may request copies of selected pages, which we will provide to you on or about [insert date] _____. If paper copies are required, payment of a fee of \$.25 per photocopy will be charged.
3. The records requested cannot be located with reasonable effort and your request does not reasonably describe records in the possession of this agency. [Indicate information necessary to locate records or the manner in which records are filed, retrieved or generated by the agency in order for the applicant to clarify the request.]
4. This agency does not maintain or possess the records you have requested. [When possible, indicate to whom the request should be directed.]
5. The records sought cannot be found after a diligent search.
6. This agency has determined that portions of your request can be denied based on the following [provide reason based on one or more exceptions appearing in §87(2) of the Freedom of Information Law]:

Accordingly, your request for records is granted in part and denied in part, and

- the requested records are attached. Certain portions have been redacted, and/or certain records have not been provided to you based on the explanation above.
- the records are not available electronically. Please remit \$_____. Copies will be provided to you on or about _____.

You have thirty (30) days from receipt of a denial of access to records or portions thereof to appeal to:

Name:
Title:
Address:
E-mail Address:

SYOSSET CENTRAL SCHOOL DISTRICT

SCHOOL DISTRICT RECORDS

Exhibit 2 to Policy 1120

7. This agency has determined that the records that you requested are not required to be made available to the public based on the following [provide reason based on one or more exceptions appearing in §87(2) of the Freedom of Information Law]:

Accordingly, your request is denied.

You have thirty (30) days from receipt of a denial of access to records to appeal to:

Name:

Title:

Address:

E-mail Address:

8. This agency has determined that it is unable to respond to your request at this time. Accordingly, on or before [insert date within the next twenty (20) business days] _____, we will grant and/or deny access in whole or in part.

9. This agency has determined that it is unable to respond to your request in full within the next twenty (20) business days for the following reasons [provide explanation as required by the Freedom of Information Law, §89(3)]:

Accordingly, on or before [insert date] _____, we will provide and/or deny access in whole or in part. Please advise by reply e-mail if you would prefer that records be made available on a piecemeal basis if it is feasible to do so.

10. Because the records you have requested include a list of names and residence addresses, disclosure may constitute an unwarranted invasion of personal privacy pursuant to §89(2)(b)(iii) of the Freedom of Information Law. If you maintain that such records are not sought for commercial or fund-raising purposes, as a condition precedent to disclosure, please prepare the following statement on a separate sheet of paper, sign it, and mail it to the address indicated below:

I [insert name] _____ certify that the requested list of names and addresses will not be used for commercial or fund-raising purposes.

[Signature]

Send to:

Name:

Title:

Mailing Address:

SYOSSET CENTRAL SCHOOL DISTRICT

SCHOOL DISTRICT RECORDS

Exhibit 2 to Policy 1120

- 11. Because the records you have requested pertain to yourself, but if released to the public would constitute an unwarranted invasion of your privacy, as a condition precedent to disclosure, please prepare the following statement on a separate sheet of paper, sign it, and mail it to the address indicated below, along with copy of your valid driver license or other acceptable form of identification.

I certify that my name is [insert name] _____,
that I reside at [insert address] _____, and
that I have attached a copy of my valid driver license or equivalent identification and that
the requested records pertain to myself.

[Signature]

SYOSSET CENTRAL SCHOOL DISTRICT

SCHOOL DISTRICT RECORDS

Regulation 1120-R

SCHOOL DISTRICT RECORDS REGULATION

The following comprises the rules and regulations relating to the inspection and production of School District records:

I. Designation of Officers

1. The District Clerk shall be the Records Access Officer. He/she shall:
 - receive requests for records of the Board of Education and make such records available for inspection or copying when such requests are granted; and
 - compile and maintain a detailed current list by subject matter, of all records in the possession of the Board, whether or not available to the public.
2. The District Clerk shall act as Records Management Officer for the School District. The Records Management Officer will develop and oversee a program for the orderly and efficient management of school district records.

II. Definition of Records

1. A record is defined as any information kept, held, filed, produced or reproduced by, with or for the School District 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 disks, rules, regulations or codes.
2. The Records Access Officer will have the responsibility for compiling and maintaining the following records:
 - a. a record of the final vote of each member of the Board of Education on any proceeding or matter on which the member votes;
 - b. a record setting forth the name, school or office address, title and salary of every officer or employee of the School District; and
 - c. a reasonably detailed current list by subject matter of all records in possession of the School District, whether or not available for public inspection and copying.
3. No record for which there is a pending request for access may be destroyed. However, nothing in these regulations shall require the School District to prepare any record not possessed or maintained by it except the records specified in II(2), above.

SYOSSET CENTRAL SCHOOL DISTRICT

SCHOOL DISTRICT RECORDS

Regulation 1120-R

III. Access to Records

1. Time and place records may be inspected: Records may be requested from, and inspected or copied at, the Office of the Records Access Officer, at the Central Administration Building, 99 Pell Lane, Syosset, New York 11791 during the regular working hours on any business day on which the School District offices are open. Records may also be requested via e-mail at the following address: **foilrequests@syossetschools.org**.
2. Fees: The fee for documents up to 9 x 14 inches is 25 cents per page. For documents larger than 9 x 14 inches, tape or cassette records, or computer printouts, the cost will be based on the cost of reproduction or program utilized. Fees are subject to periodic review and change. However, no fee shall be charged for records sent via e-mail, the search for or inspection of records, certification of documents, or copies of documents which have been printed or reproduced for distribution to the public. The number of such copies given to any one organization or individual may be limited, in the discretion of the Records Access Officer.
3. Procedures: Requests to inspect or secure copies of records shall be submitted in writing, either in person, by mail or via e-mail, to the Records Access Officer. [Forms are provided (1120-E.1-2) for written and e-mail requests, but are not required.]
4. All requests for information shall be responded to within five (5) business days of receipt of the request. If the request cannot be fulfilled within five (5) business days, the Records Access Officer shall acknowledge receipt of the request and advise the approximate date when the request will be granted or denied.
5. If a request cannot be granted within twenty (20) business days from the date of acknowledgement of the request, the School District must state in writing both the reason the request cannot be granted within twenty (20) business days, and a date certain within a reasonable period when it will be granted depending on the circumstances of the request.
6. Denial of Access: When a request for access to a public record is denied, the Records Access Officer shall indicate in writing the reasons for such denial, and the right to appeal.
7. Appeal: An applicant denied access to a public record may file an appeal by delivering a copy of the request and a copy of the denial to the Superintendent within thirty (30) days after the denial from which such appeal is taken.

SYOSSET CENTRAL SCHOOL DISTRICT

SCHOOL DISTRICT RECORDS

Regulation 1120-R

8. The applicant and the New York State Committee on Open Government will be informed of the Superintendent's determination in writing within ten (10) business days of receipt of an appeal. The Superintendent of Schools shall transmit to the Committee on Open Government photocopies of all appeals and determinations.

IV. Records Exempted from Public Access

The provisions of this regulation relating to information available for public inspection and copying shall not apply to records that:

1. are specifically exempted from disclosure by state and/or federal statute;
2. if disclosed would constitute an unwarranted invasion of personal privacy;
3. if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
4. are trade secrets or are submitted to the Board by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise;
5. are compiled for law enforcement purposes and which, if disclosed, would:
 - a. interfere with law enforcement investigations or judicial proceedings;
 - b. deprive a person of a right to a fair trial or impartial adjudication;
 - c. identify a confidential source or disclose confidential information relating to a criminal investigation; or
 - d. reveal criminal investigative techniques or procedures, except routine techniques and procedures;
6. records which if disclosed would endanger the life or safety of any person;
7. records which are interagency or intra-agency communications, except to the extent that such materials consist of:
 - a. statistical or factual tabulations or data;
 - b. instructions to staff which affect the public;
 - c. final Board policy or determinations; or
 - d. external audits, including but not limited to audits performed by the comptroller and the federal government;
8. records which are examination questions or answers that are requested prior to the final administration of such questions;
9. records which are computer access codes.

SYOSSET CENTRAL SCHOOL DISTRICT

SCHOOL DISTRICT RECORDS

Regulation 1120-R

V. Prevention of Unwarranted Invasion of Privacy

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 shall not be limited to:

1. disclosure of confidential personal matters reported to the Board which are not relevant or essential to the ordinary work of the Board;
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 the possession of the Board if such lists would be used for private, solicitation 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 records are not relevant or essential to the ordinary work of the Board; or
5. disclosure of items involving the medical or personal records of a client or patient in a hospital or medical facility.

Unless otherwise deniable, disclosure shall not be construed to constitute an unwarranted invasion of privacy when identifying details are deleted, when the person to whom records pertain consents in writing to disclosure, or when upon representing reasonable proof of identity, a person seeks access to records pertaining to him or her.

VI. Listing of Records

Pursuant to Section 87(3)(c) of the Public Officers Law, the current records retention schedule for school districts, published by the Commissioner of Education, shall serve as the list by subject matter of all records in the possession of the School District, whether or not available under the law.

VII. Litigation-Hold

The Superintendent of Schools will designate a "discovery" team, comprised of the school attorney, the Records Access and Records Management Officer and other personnel as needed. The discovery team will convene in the event that litigation is commenced to plan to respond to the request for records. The Superintendent of Schools or his/her designee will put in place measures to preserve applicable records.