



## **FREEDOM OF INFORMATION ACT NOTICE**

The Freedom of Information Act (FOIL) gives the public the right to view and/or obtain certain government records. OnTECH Charter High School has adopted regulations governing when, where, and how you can see public records. The regulations are posted on the School's website. According to these regulations, records can be seen and copied at OnTECH Charter High School by contacting the Records Management and Access Officer who will assist you exercising your right to access.

The Records Management and Access Officer is Francis Coudriet, [fran@ontechcharter.com](mailto:fran@ontechcharter.com). If you are denied access to a record, you may appeal to the Board of Trustees by contacting the Board Chair, Ellen Eagen, [ellen@ontechcharter.com](mailto:ellen@ontechcharter.com)

### ***Freedom of Information Law***

It is the policy of the OnTECH Charter High School to inform members of the public about the administration and operation of the school in accordance with the Freedom of Information Law of the State of New York. These regulations are promulgated to ensure compliance with the Freedom of Information Law and govern the procedures to be followed to obtain access to school records. The Board of Trustees shall designate a Records Management and Access Officer, pursuant to law. OnTECH hereby adopts as policy the Records Retention and Disposition Schedules as promulgated by the Commissioner of Education, setting forth the minimum length of time school records must be retained.

### ***Records Regulations***

The following comprises the rules and regulations relating to the inspection and copying of OnTECH records:

#### **I. Designation of Personnel**

The Board of Trustees hereby designates the Records Management and Access Officer as responsible for ensuring appropriate agency response to public requests for access to records. The Records Management and Access Officer shall assure that personnel:

- A. Maintain a current list by subject matter of all records in possession of OnTECH, whether or not available for public inspection and copying;
- B. Assist the requester in identifying requested records, if necessary;
- C. Upon locating the records, take one of the following actions:
  1. Make records promptly available for inspection; or

2. Deny access to the records in whole or in part and explain in writing the reason(s) therefore.
- D. Upon requests for copies of records:
1. Make copy available upon payment or offer to pay established fees, if any; or
  2. Permit the requester to copy those records.
- E. Upon request, certify that a transcript is a true copy of records copied.
- F. Upon failure to locate records, certify that:
1. OnTECH is not the legal custodian for such records, or
  2. The records, of which the OnTECH is the legal custodian, after diligent search, cannot be found.

## II. Listing of Records

- A. A record is defined as any information kept, held, filed, produced or reproduced by, with or for the Board 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.
- B. No record for which there is a pending request for access may be destroyed. However, nothing in these regulations shall require the Board to prepare any record not possessed or maintained by it.

## III. Access to Records

Requests to inspect or secure copies of OnTECH records may be made to the Records Management and Access Officer at any time.

## IV. Records Exempt from Public Access

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

- A. are specifically exempted from disclosure by state and/or federal statute;
- B. if disclosed would constitute an unwarranted invasion of personal privacy;
- C. if disclosed would impair present or imminent contract awards or collective bargaining / negotiations;
- D. are confidentially disclosed to the Board and compiled and maintained for the regulation of commercial enterprise, including trade secrets, or for the grant or review of a license;
- E. are compiled for law enforcement purposes and which, if disclosed, would:
  1. interfere with law enforcement investigations or judicial proceedings;
  2. deprive a person of a right to a fair trial or impartial adjudication;
  3. identify a confidential source or disclose confidential techniques or procedures, except routine techniques or procedures; or

4. reveal criminal investigative techniques or procedures, except routine techniques and procedures;
- F. if disclosed would endanger the life or safety of any person;
- G. are interagency or intra-agency communications, except to the extent that such materials consist of:
  1. statistical or factual tabulations or data;
  2. instructions to staff which affect the public;
  3. final Board policy determinations; or
  4. external audits, including but not limited to audits performed by the comptroller and the federal government;
- H. are examination questions or answers that are requested prior to the final administration of such questions;
- I. are computer access codes.

## **V. Prevention of Unwarranted Invasion of Privacy**

The Records Management and Access Officer may redact identifying details when making records available, in order to prevent an unwarranted invasion of personal privacy. An unwarranted invasion of personal privacy includes, but shall not be limited to:

- A. Disclosure of such personal matters as may have been reported in confidence to OnTECH which are not relevant or essential to the ordinary work of OnTECH;
- B. Disclosure of employment, medical or credit histories or personal references of applicants for employment, except such records may be disclosed when the applicant has provided a written release permitting such disclosure;
- C. Disclosure of items involving the medical or personal records of a client or patient in a hospital or medical facility;
- D. The sale or release of lists of names and addresses in the possession of the OnTECH if such list would be used for private, commercial or fund-raising purposes;
- E. Disclosure of items 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 OnTECH. 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. Fees**

- A. The fee for copying records shall be the reasonable amount of money it would take to make copies but no more than 40 cents per page for black and white photocopies not exceeding 8-1/2" by 14"
- B. The fee for copies of appropriate records shall not exceed the actual copy cost which is the average unit cost for copying a record.

- C. OnTECH may waive the fee for copies at the discretion of the Records Management and Access Officer's discretion.
- D. No fee shall be charged for the following:
  - 1. inspection of records; or
  - 2. search for records; or
  - 3. and any certification pursuant to these regulations.

## **VII. Procedures**

- A. The following procedures shall be followed in connection with a request to inspect or secure copies of OnTECG records:
- B. Requests to inspect or secure copies of records shall be in writing.
- C. A request for access to records should be sufficiently detailed to identify the records. Where possible, the requester should supply information regarding dates, titles, file designations or other information which may help identify the records. However, a request for any or all records falling within a specific category conforms to the standard that records be identifiable.
- D. The Records Management and Access Officer will determine and respond to the request no more than five (5) business days after receipt of the request. If the request cannot be fulfilled within five (5) business days, the Records Management and Access Officer shall acknowledge receipt of the request; state the reason for delay and estimate the date when a reply will be made.
- E. If the records are determined to be available, the Records Management and Access Officer will direct the requester to the place where the requested records may be inspected and will arrange for the preparation and certification of copies upon tender of the required fee, if any.
- F. If the records are determined not to be available, the Records Management and Access Officer will note the reason for unavailability and return one copy of the form to the requester. The requester shall be advised of his/her right to appeal said denial.
- G. No record may be removed from such location without the permission of the appropriate OnTECH Officer. Records may be inspected only in the main office of the OnTECH or at such other place as may be designated by the Records Management and Access Officer. A member of the OnTECH staff must be present throughout the inspection and copying of such records.
- H. If requested records are not provided promptly, as required in of these regulations, such failure shall be deemed a denial of access.

## **VIII. Appeals**

- A. The Board President, or his/her designee shall hear appeals for denial of access to records under the Freedom of Information Act.
- B. An applicant denied access to a public record may, within 30 days after the denial, file an appeal by delivering a written appeal to the Board President identifying:
  - 1. the date of the appeal;

2. the date and location of the requests for records;
  3. the records to which the requester was denied access;
  4. whether the denial of access was in writing or was by failure to provide records promptly as required by these regulations; and
  5. the name and return address of the requester.
- C. The Board President shall inform the requester and the New York State Committee on Open Government of his/her decision in writing within seven (7) business days of receipt of an appeal. Photocopies of all appeals and determinations shall be transmitted to the Committee on Open Government.
- D. An individual whose final appeal is denied may initiate a court review of this determination, as provided for in Article 78 of the Civil Practice Law and Rules.

#### **IX. Public Notice:**

Notice containing the job title or name and business address of the Records Management and Access Officer; the name, job title, business address and telephone number of the appeal person or persons; and the location where records can be seen or copies made available, shall be posted in a conspicuous location wherever records are kept and on the school website.

#### **X. Severability:**

If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or their application to other persons or circumstances.

#### **XI. Listing of Records:**

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