

Town of Wright Fire District Policies

Policy Name: **29.0 Freedom of Information Law Request Policy**

Date Adopted: 8/13/18

Effective: Immediately

Revised:

Reviewed: *Annually*

PURPOSE: The purpose of this policy is to ensure access to public and non-protected documents of the Wright Fire District (hereinafter “the District”) in accordance with the New York State Freedom of Information Law.

A. Designation of Records Access Officer

The District Secretary shall be the records access officer. At his or her direction or in his or her absence, the Deputy Secretary or other designee of the District shall be deemed the records access officer. The duties of the records access officer shall be as published in 21 NYCRR part 1401.2.

B. Manner of Requesting and Viewing Records

All requests for records must be made in writing to the appropriate Records Access Officer of the District. An email request shall be deemed to be a written request. Records viewable for public inspection shall be made available at the office of the Secretary of the Fire District at 109 School Street, Wright, New York 12157 during traditional business hours by appointment, only. This does not require that all records be maintained or stored at that location, but only that they be made viewable at that location.

C. Copying Fees

The official records of the District are maintained in paper form. The fee for copies of records shall be 25-cents per photocopy for paper copies not in excess of nine inches by fourteen inches, or the actual cost of reproducing any other record in accordance with New York State Public Officers Law § 87 (c), unless a different fee is prescribed by statute.

The cost of preparing a copy of records shall not include search time or administrative costs, and no fee for such administrative task shall be charged unless at least two hours of district employee time is needed to prepare a copy of the record requested. FOIL Request Policy Page 2 of 5 A person requesting documents pursuant to FOIL will be charged any fee that the District incurs as a result of scanning documents with an outside company. For media type requests, (i.e. CD / DVD/ photographs) the actual cost of the media will be charged.

D. Procedure For Processing a FOIL Request

Within five business days of the receipt of a written request for a record that is reasonably described, the Fire District shall:

- (a) make such record available to the person requesting it; or
- (b) deny such request in writing; or

(c) furnish a written acknowledgement of the receipt of such request and a statement of the approximate date 9which must be reasonable under the circumstances0 of the request and when such request will be granted or denied.

The term “reasonably described” means that the request must be clear, concise, and easily understood. Requests that fail to reasonably describe the documents sought may be denied.

The District may certify that it does not have possession of the documents or that it cannot find the documents after making a diligent search for them. If the District denies a request for records pursuant to FOIL, the District will apprise the requesting party of its right to appeal that determination pursuant to Section “H” of this policy and the New York Public Officers Law.

The Board of Fire Commissioners customarily meets one time per month. It is the usual practice of the Board to review in detail all FOIL requests at the first regularly scheduled meeting after the request is received. Determinations as to the propriety and content of responses to FOIL requests are generally made at the next occurring regular meeting of the Board, depending on the nature and scope of the information requested. The foregoing is the general practice of the Board and is provided for informational purposes only.

E. Public Documents

Documents which must be made public include:

- (1) Agendas and minutes of meetings and hearings;
- (2) Internal and external audits and financial records and statements, including Treasurer reports, expenditure reports and budget worksheet;
- (3) Itemized records of the names, titles and salaries of paid officers and employees.

F. Non-Public Documents

The District may deny access to records in accordance with New York State Law. Such records include, but are not limited to, documents that:

- (1) are specifically exempted from disclosure by state or federal statute;
- (2) if disclosed, would constitute an unwarranted invasion of personal privacy;
- (3) would impair present or imminent contract awards, or any collective bargaining negotiations;
- (4) are trade secrets or are submitted to the District by a commercial enterprise or are derived from information obtained from a commercial enterprise 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;
 - d. reveal criminal investigative techniques or procedures, except routine techniques and procedures;
- (6) if disclosed could endanger the life or safety of any person;
- (7) are inter-District or intra-District materials which are not:
- a. statistical or factual tabulations or data;
 - b. instructions to staff that affect the public;
 - c. final District policy or determinations; or
 - d. external audits, including, but not limited to, audits performed by the comptroller and the federal government; or
- (8) are examination questions or answers which are requested prior to the final administration of such questions;
- (9) if disclosed, would jeopardize the District's capacity to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures; or
- (10) are photographs, microphotographs, videotape or other recorded images prepared under authority of Vehicle and Traffic Law § 1111- a or 1111-b.
- (11) biographical or other information that could potentially expose personnel to identity theft.
- (12) account or other identifying numbers.

G. The District Is Not Required to Create Documents

Pursuant to Public Officers Law § 89 (3), the District is under no obligation to prepare any record not possessed or maintained by it, except that if the disclosable matter is on a computer program and not otherwise available, reasonable efforts shall be made to extract the data including minor programming. If the document does not exist, the District will notify the person making the request that it does not maintain such a document.

H. Appeals of District Denials of Records Access

A person denied access to any record has 30 days to appeal that denial in writing. The denial must be presented to the Chairperson of the Board of Commissioners. The Chairperson shall then have 10 business days after the receipt of the appeal to either grant access or explain, in writing, the reasons for the denial to the person requesting the record. In addition, the District shall forward a copy of such appeal and the ensuing determination thereon to the Committee on Open Government in accordance with New York State Public Officers Law § 89 (4)

THIS RESPONSE SHALL BE SENT BY THE FIRE DISTRICT TO THE PERSON REQUESTING THE RECORDS WITHIN 5 BUSINESS DAYS OF RECEIPT OF THE REQUEST. IT SHOULD GO OUT VIA US MAIL AND PLACED ON FIRE DISTRICT LETTERHEAD.

Date

To: Person Requesting Records

Address Address

Dear ,

The Wright Fire District acknowledges receipt of your email request for records dated _____ . The Board of Fire Commissioners will consider your request at its next regular meeting. The Board anticipates that it will be able to advise you as to whether your referenced request will be granted or denied by approximately (2 WEEKS AFTER THE NEXT SCHEDULED BOFC MEETING)_____ (DATE)_____ .

Very truly yours,

_____,
Secretary, Wright Fire District