

## Freedom of Information Law Policy

The Charter High School for Law and Social Justice (the “School”) shall abide by the New York State Freedom of Information Law. The School hereby implements policies required by law.

### I. Purpose

It is the intent of this policy is to enhance access to public and non-protected documents. This policy is drafted in accordance with the Freedom of Information Law of the State of New York.

### II. Records Access Officer

- A. The Director of Operations of the School is the Records Access and Records Management Officer (the “Records Officer”). The Records Officer’s contact information is on the School’s website, [www.chslawandsocialjustice.org](http://www.chslawandsocialjustice.org).
- B. The Records Officer is responsible for:
  - 1. Implementing the provisions of the School’s Freedom of Information Law (“FOIL”) Policy; and
  - 2. Receiving requests for records, responding to requests for records, and making records available as appropriate.

### III. The Records Officer is responsible for compiling and maintaining the following records:

- A. A record of the final vote of each member of the School’s Board of Trustees (the “Board”) on any proceeding or matter on which the members vote.
- B. A record setting forth the title, name, school or office address, and salary of every officer or employee of the School.
- C. A reasonably detailed current list by subject matter of all records in possession of the School, whether or not available for public inspection and copying. 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, whether or not available under the law.
- D. 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 discs, rules, regulations, or codes.
- E. Retention and Destruction of Records
  - 1. The Board hereby adopts the Records Retention and Disposition Schedule ED-1 issued pursuant to Article 57A of the Arts and Cultural Affairs law, which contains the legal minimum retention periods for School records.
  - 2. The School will dispose of those records described in the Schedule only after the School has met the minimum retention periods the Schedule sets

forth.

3. The School shall maintain its records in a facility under the control of the School unless it receives the Board's permission to transfer the records elsewhere. The School may cooperate with another school for improved management and preservation of records and may enter into contractual arrangements for such purposes.

#### IV. Records Exempted

- A. The provisions of this policy 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 confidentially disclosed to the Board and compiled and maintained for the regulation of a commercial enterprise, including trade secrets, or for the grant or review of a license;
  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 techniques or procedures, except routine techniques or procedures;
    - d. reveal criminal investigative techniques or procedures, except routine techniques and procedures; or
    - e. endanger the life or safety of any person
  6. if disclosed would endanger the life or safety of any person;
  7. records that are inter-agency or intra-agency communication, except to the extent that such materials consist of:
    - a. statistical or factual tabulation of data;
    - b. instructions to staff that affect the public;
    - c. final Board policy determinations; or
    - d. external audits, including but not limited to audits performed by the Comptroller or the federal government;
  8. records that are examination questions or answers that are requested prior to the final administration of such questions;
  9. records that are computer access codes.
- B. The School is not required to prepare any record it does not otherwise possess or maintain with the exception of the records described in Section II.

#### V. Prevention of Unwarranted Invasions of Privacy

- A. To prevent an unwarranted invasion of personal privacy, the Records Officer may delete identifying details in records that the School makes available. An

unwarranted invasion of personal privacy includes but shall not be limited to:

1. disclosure of confidential personal matters reported to the School that are not relevant or essential to the ordinary work of the Board;
  2. disclosure of employment, medical, or credit histories, or personal references for applicants for employment, unless the applicant has provided a written release permitting such disclosure;
  3. sale or release of lists of names and addresses in the possession of the School if such lists would be used for private, commercial, or fundraising purposes;
  4. disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party; and
  5. disclosure of information involving the medical or personnel records of a person or patient in a hospital or medical facility.
- B. Unless the School can deny disclosure of documents on other grounds, the School's disclosure of a document shall not be construed to constitute an unwarranted invasion of privacy when the School deletes identifying details, when the person to whom records pertain consents in writing to disclosure, or when upon presenting reasonable proof of identity, a person seeks access to records pertaining to himself or herself.

## VI. Procedure to Request Records

- A. In order to request records, the requestor must submit a request to inspect or secure copies of records to the Records Officer, in writing, either in person or by mail at the School office or via email at the following address: [admin@chslawandsocialjustice.org](mailto:admin@chslawandsocialjustice.org).
- B. The requestor must pay the appropriate fee. The fee for:
1. documents up to 9 x 14 inches is 25 cents per page; existing computer printouts is 25 cents per page;
  2. initial computer printouts is \$3.00 per minute of printer time;
  3. documents larger than 9 x 14 inches, tapes, or cassette records, will be based on the cost of reproduction;
  4. should the School be charged for scanning documents, then the School shall pass on the actual cost;
  5. for media type requests, (i.e. CD / DVD/ PHOTOGRAPHS) the actual cost of the media will be charged. The requester will be notified in advance if any payment is required.
- C. The School will not charge fees for the following records:
1. digital records sent via e-mail;
  2. the search for such records;
  3. inspection of records;
  4. certification of documents; and
  5. copies of documents that have been printed or reproduced for distribution to the public.
- D. The number of these copies the School gives to any one organization or individual

- may be limited in the discretion of the Records Officer.
- E. As promptly as possible but within five business days of receipt of a request, the Records Officer shall either grant or deny the request. If the School cannot respond to the request within five business days, the Records Officer shall acknowledge receipt of the request and indicate the approximate date when the Officer will grant or deny the request.
  - F. When the Records Officer denies a request, the Records Officer shall indicate in writing the reasons for such denial, and the right to appeal.
  - G. Appeals shall be directed to the Board president within thirty days of the denial. All such appeals must be delivered with a copy of the request and a copy of the denial.
    - 1. Appeals from decisions of the Records Officer will be determined by the School Board President or his/her authorized representative within seven business days of the receipt of such appeal. The applicant and the New York State Committee on Open Government will be informed of the Board president's determination in writing within ten business days of receipt of an appeal. The Records Officer shall transmit to the Committee on Open Government photocopies of all appeals and determinations.

Source: New York State Public Officers Law, Article 6, §§ 84-90

Adopted by the Board of Trustees: March 11, 2015