

(X) Required**() Local****() Notice****BOCES RECORDS**

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

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

Retention and Destruction of Records

The Board 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 district records. In accordance with Article 57-A, the 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 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 District Superintendent will establish procedures in the event that the school district is served with legal papers. The District Superintendent will communicate with applicable parties, including the BOCES counsel 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 to comply with 1120 applicable rules and regulations regarding the production of necessary documents, data, files, etc. The Board directs the District Superintendent to institute such procedures to implement this policy.

Cross-ref: 8630, Computer Resources and Data Management

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)

Adopted: June 17, 1991

Ratified: June 15, 1991

Amended: December 15, 2008

APPLICATION FOR PUBLIC ACCESS TO RECORDS

(Via Mail or E-Mail)

[Note to the public *{for use on BOCES 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 BOCES 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]: _____

Adopted: December 15, 2008

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]: _____.

NOTE: For each records request, choose the appropriate response(s) from items 1-6 below and fill in the necessary information (see blanks and bracketed text).

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 can not 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

NOTE: Choose one of the following two paragraphs, as appropriate.

- 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 30 days from receipt of a denial of access to records or portions thereof to appeal to:

Name:

Title:

Address:

E-mail Address:

- 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 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 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 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:

- 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]

Adopted: December 15, 2008