

FREEDOM OF INFORMATION LAW POLICY

The Finger Lakes REMSCO/REMAC shall abide by the New York State Freedom of Information Law. The Finger Lakes REMSCO/REMAC hereby implements policies required by law.

Access to viewing records

Records that are not protected shall be made viewable to the public at a reasonable time.

Records may only be obtained from the Finger Lakes REMSCO/REMAC Secretary. Such request must be made **BY MAIL** and **IN WRITING** and **NOT ORALLY**. A request may be submitted electronically and may be answered electronically.

Requests may be mailed to the following address: 63 Pulteney St., Geneva, NY 14456

Requests may be submitted by electronic mail to the following address: Chair@FLREMSC.org

Requests may be personally delivered to the following physical address: 63 Pulteney St., Geneva, NY 14456

The fees for copies of records shall be twenty-five (\$.25) cents per photocopy not in excess of nine inches by fourteen inches, or the actual cost of reproducing any other record.

These policies shall be published on the Finger Lakes REMSCO/REMAC website or may be published in a newspaper once per year.

PUBLIC DOCUMENTS DEFINED

Documents which must be made public include:

- (1) Minutes of meetings and hearings;
- (2) Internal and external audits and financial records and statements;
- (3) Itemized records of the names, addresses, titles and salaries of paid officers and employees.

DOCUMENTS WHICH ARE NOT PUBLIC

Not all documents must be made public by the Finger Lakes REMSCO/REMAC. The Finger Lakes REMSCO/REMAC may deny access to records or portions thereof that:

- (1) are specifically exempted from disclosure by state or federal statute;
- (2) if disclosed, would constitute an unwarranted invasion of personal privacy, as described below or would impair present or imminent contract awards or collective bargaining negotiations;

- (3) are trade secrets or are submitted to the Finger Lakes REMSCO/REMAC 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;
- (4) 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; or
 - e. if disclosed could endanger the life or safety of any person.
- (5) are inter-Finger Lakes REMSCO/REMAC or intra-Finger Lakes REMSCO/REMAC materials. However, inter-Finger Lakes REMSCO/REMAC or intra-Finger Lakes REMSCO/REMAC materials are not exempt from disclosure if they are:
 - a. statistical or factual tabulations or data;
 - b. instructions to staff that affect the public;
 - c. final Finger Lakes REMSCO/REMAC policies or determinations; or
 - d. external audits, including but not limited to audits performed by the comptroller and the federal government.
- (6) are examination questions or answers which are requested prior to the final administration of such questions;
- (7) if disclosed, would jeopardize the Finger Lakes REMSCO/REMAC's capacity to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures; or
- (8) are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-a of the vehicle and traffic law.

RIGHT TO PROTECT PERSONAL PRIVACY

Documents do not have to be disclosed if they would result in an invasion of the personal privacy of the members or employees of the Finger Lakes REMSCO/REMAC. The rules on an invasion of personal privacy are as follows:

An unwarranted invasion of personal privacy includes, but is not limited to:

- (1) disclosure of employment, medical or credit histories or personal references of applicants for employment;
- (2) disclosure of items involving the medical or personal records of a client or patient in a medical facility;
- (3) sale or release of lists of names and addresses if such lists would be used for commercial 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 information is not relevant to the work of the agency requesting or the Finger Lakes REMSCO/REMAC in maintaining it; or
- (5) disclosure of information of a personal nature reported in confidence to the Finger Lakes REMSCO/REMAC and not relevant to the ordinary work of the Finger Lakes REMSCO/REMAC; or
- (6) information of a personal nature contained in a workers' compensation record, except as provided by section one hundred ten-a of the workers' compensation law.

Disclosure does not constitute an unwarranted invasion of personal privacy:

- (1) when identifying details are deleted;
- (2) when the person to whom a record pertains consents in writing to disclosure;
- (3) when upon presenting reasonable proof of identity, a person seeks access to records pertaining to him.

NO REQUIREMENT TO CREATE DOCUMENTS

Nothing requires the Finger Lakes REMSCO/REMAC to prepare any record not possessed or maintained by the Finger Lakes REMSCO/REMAC, except that if the file is on a computer program, reasonable efforts shall be made to extract the data. If the document does not exist, the Finger Lakes REMSCO/REMAC will notify the person making the request that the Finger Lakes REMSCO/REMAC does not maintain the document.

PROCEDURES UPON RECEIVING FOIL REQUEST

The Finger Lakes REMSCO/REMAC, within five (5) business days of the receipt of a written request for a record reasonably described 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, which must be reasonable under the circumstances of the request, when such request will be granted or denied.

The term “reasonably described” means that the request is clear and concise and can be easily understood. Requests that are not clear can be denied.

A sample response letter is as follows:

Dear XXXXX:

We have received your request for documents of the Finger Lakes REMSCO/REMAC. We are reviewing the request and will advise you within twenty (20) days whether or not we will grant your request. If we grant your request, you must produce the fee for the documents, which will be twenty-five (.25) cents per page. We will advise you as to the number of pages. If we deny the request, we will provide the reason for the denial.

If the Finger Lakes REMSCO/REMAC determines to grant a request in whole or in part, and if circumstances prevent disclosure to the person requesting the record or records within twenty (20) business days from the date of the acknowledgement of the receipt of the request, the Finger Lakes REMSCO/REMAC will state, in writing, the reason for the inability to grant the request within twenty business days and a date certain within a reasonable period, depending on the circumstances, when the request will be granted in whole or in part. The failure to conform to these requirements constitutes a denial on the part of the Finger Lakes REMSCO/REMAC.

The Finger Lakes REMSCO/REMAC must provide a copy of the documents upon payment of the fee for copying. The person making the request may also demand that the Finger Lakes REMSCO/REMAC certify the accuracy of the documents.

The REMSCO/REMAC may certify that the documents are accurate. An acceptable certification is as follows:

_____ [name], the [title] of the Finger Lakes REMSCO/REMAC, hereby certifies and avers that the copies of the documents provided represent the actual documents in our possession.

Alternatively, the Finger Lakes REMSCO/REMAC 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. An acceptable certification is as follows, and should be signed by the person that maintains the document in the ordinary course of business.

_____ [name], the [title] of the Finger Lakes REMSCO/REMAC, hereby certifies and avers that I have made diligent search for the document requested and that I cannot locate any such document or that such document does not exist.

ELECTRONIC RECORDS

There will be no charge to scan and transmit documents which can be put into electronic format, unless the Finger Lakes REMSCO/REMAC incurs a charge for such scanning and processing.

APPEALS OF DENIALS TO RECORDS

A person denied access to a record has thirty days to appeal the denial in writing. The denial must be presented to the Chairperson of the Finger Lakes REMSCO/REMAC. The Chair shall have ten (1) business days after the receipt of the appeal to fully explain in writing the reasons for the denial to the person requesting the record. The Chair must also notify the committee on open government of the appeal and send a copy of the appeal and the determination to the committee.

RECORDING MEETINGS

Should the Finger Lakes REMSCO/REMAC records a meeting or hearing or any part of it, and the tape/video is requested while it still exists, it must be produced unless one of the above exceptions are applicable. Recordings may be destroyed in accordance with a schedule on the MU-1 only if no request has been made and the recordings are destroyed in the normal course of business.