

**220 Public Access to Records**

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

Access by the public to records of the BOCES shall be consistent with the rules and regulations established by the State Committee on Open Government and shall comply with all requirements of the Public Officers Law Section 87(1)(b)(iii) (Chapter 25, Part 1401). The general public shall have access to records of the BOCES as outlined in this policy.

**220.1 Records Access Officer**

The Clerk of the Board shall be designated as Records Access Officer.

**220.2 Records Accessibility**

Records accessible under the Freedom of Information Law are available each day the office of the District Superintendent is open, between the hours of 8:30 AM and 4:00 PM.

**220.3 Application Procedures**

Persons wishing to inspect any and all records must complete the application for Public Access to Records form (Attachment A) and submit it to the Clerk of the Board. Upon receipt of the application, within five business days, the Clerk of the Board will approve or deny the application. If the request is approved, the applicant will be provided with written notification stating the approximate date when the request will be granted. If the request is denied, reasons for denial will be provided in writing. The denial will also advise the applicant of his/her right to appeal to the District Superintendent.

**220.4 Copy Charge**

When BOCES is able to provide copies, a fee of \$.25 per page will be charged for documents up to 8-1/2 x 11 inches. For documents larger than 8-1/2 x 11 inches or cassette records or computer printouts, the cost will be based on the cost of reproduction. No fee will be charged for public inspections or certifications by officials.

**220.5 Subject Matter List**

The public should reference the list of foible documents listed in the Records Retention and Disposition Schedule ED1. The public may access any of the listed records that BOCES maintains. BOCES may not maintain all listed records.

**220.6 Appeal Procedures**

Any applicant denied access to a record may appeal the decision to the District Superintendent in writing within 30 days. The determination of the appeal shall be in writing within ten business days of receipt of an appeal.

This determination shall be transmitted to the Committee on Open Government,  
New York State

Department of State, 162 Washington Avenue, Albany, New York 12231, (518)  
474-2518.

#### 220.7 **Records Exempted from Public Access**

The provisions of this policy relating to information available for public inspection and copying shall not apply to records that the Records Access Officer determines:

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

To prevent an unwarranted invasion of personal privacy, the Records Access Officer may delete identifying details when records are made available. An unwarranted invasion of personal privacy includes but shall not be limited to:

1. disclosure of confidential personal matters reported to the Board which are not relevant or essential to the ordinary work of the Board;
2. disclosure of employment, medical or credit histories or personal references of applicants for employment, unless the applicant has provided a written release permitting such disclosures;

3. sale or release of lists of names and addresses in the possession of the Board if such lists would be used for private, 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 records are not relevant or essential to the ordinary work of the Board; or
5. disclosure of items involving the medical or personal records of a client or patient in a hospital or medical facility.

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.

220.8 The BOCES will post conspicuously the locations where records are made available with the name, title, business address, and telephone number of the records access officer, as well as the appeals process.

Adopted: 4/28/94

Readopted: 8/27/98

Readopted: 8/25/05

Public Officers Law Section 87