

(X) Required
() Local
(x) Notice

SCHOOL DISTRICT 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.

The Superintendent of Schools 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 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.

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
8 NYCRR Part 185 (Appendix I)

NOTE: Prior policy 1120 revised. The section that was previously in this policy dealing with Board minutes was moved to policy 2360, Minutes.

Adoption date: July 7, 2009
Review date: July 5, 2017

SCHOOL DISTRICT RECORDS REGULATION

The following comprises the rules and regulations relating to the inspection, emailing, and copying of school district records:

I. Designation of Officers

1. The Records Access Officer shall be the Business Administrator. He/ She shall receive requests for records of the Board of Education and make such records available for inspection, emailing, or copying when such requests are granted.
2. The Superintendent of Schools, with the Board's approval, shall designate a Records Management Officer for the district. The Records Management Officer will develop and oversee a program for the orderly and efficient management of district records.
3. The Fiscal Officer, in charge of the maintenance and access to district financial records, shall be the Superintendent of Schools.

II. Definition of Records

1. A record is defined as any information kept, held, filed, produced or reproduced by, with or for the district 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 disks, rules, regulations or codes.
2. The Office of the Records Access Officer will have the responsibility for compiling, accessing, and/ or maintaining the following records/ information:
 - a. a record of the final vote of each member of the Board on any proceeding or matter on which the member votes;
 - b. a record setting forth the name, school or office address, title and salary of every officer or employee of the district; and
3. No record for which there is a pending request for access may be destroyed. However, nothing in these regulations shall require the district to prepare any record not possessed or maintained by it except the records specified in II(2), above.
4. Records that have been duplicated in accordance with the reproduction process and the preservation and examination requirements established by the Regulations of the Commissioner, shall be deemed to be an original record for all purposes.

NOTE: The definition of a record is derived from the Public Officer's Law.

III. Access to Records

1. Time and place records may be inspected: Records may be requested from, and inspected or copied at the Office of the Records Access Officer, during regular business hours on any business day on which the Board of Education offices are open.
2. Fees: The fee for documents up to 9 x 14 inches is 25 cents per page. For documents larger than 9 x 14 inches, tape or cassette records, computer printouts, or other non-paper format, the cost will be based on the cost of reproduction or program utilized. Fees are subject to periodic review and change. However, no fee shall be charged for the search for or inspection of records, certification of documents, or copies of documents which have been printed or reproduced for distribution to the public. The number of such copies given to any one organization or individual may be limited, at the discretion of the Records Access Officer.
3. Procedures: Requests to inspect or secure copies of records shall be submitted in writing, either in person or by mail, to the Records Access Officer or the Hudson City School District.
4. All requests for information shall be responded to within five business days of receipt of the request. If the request cannot be fulfilled within five business days, the Records Access Officer shall acknowledge receipt of the request and advise the approximate date when the request will be granted or denied.
5. Denial of Access: When a request for access to a public record is denied, the Records Access Officer shall indicate in writing the reasons for such denial, and the right to appeal.
6. Appeal: An applicant denied access to a public record may file an appeal by delivering a copy of the request and a copy of the denial to the District Clerk of the Board of Education within thirty (30) days after the denial from such appeal is taken.
7. The appeal shall be submitted to the Board for decision. The applicant and the New York State Committee on Open Government will be informed of the Superintendent's determination in writing within 10 business days of receipt of an appeal. The District Clerk shall transmit to the Committee on Open Government photocopies of all appeals and determinations.

IV. Records Exempted from Public Access

The provisions of this regulation relating to information available for public inspection, emailing, 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 disclosed in confidence 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.

V. Prevention of Unwarranted Invasion of Privacy

In order 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, the following:

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 identify, a person seeks access to records pertaining to him or her.

HUDSON CITY SCHOOL DISTRICT

1120-R

VI. Listing of Records

Pursuant to Section 87(3)(c) of the Public Officers Law, the current Records Retention and Disposition Schedule ED-1 for school districts, published by the Commissioner of Education, shall serve as the list by subject matter of all records in the possession of this school district, whether or not available under the law.

Adoption date: July 7, 2009
Revision date: July 5, 2017
Revision date: September 24, 2018

SCHOOL DISTRICT RECORDS EXHIBITS

Application for Public Access to Records

TO: Records Access Officer
Board of Education
Hudson City School District
Hudson, New York 12534

I hereby request the records of, or portion of the records, pertaining to:

I request to have access to these records by:

- Viewing the records in person (an appointment will be scheduled when records are available)
- Having the records copied and mailed to me at the address below (payment for copies, per 1120-R, must be received prior to release of the records. You will be notified of the proper amount due.)
- Having the records emailed to me at the following email address:

Printed Name: _____ Signature: _____

Date: _____ Contact phone number/email address: _____

Mailing Address: _____
(required)

FOR OFFICE USE ONLY

[] Approved [] Denied Date Request will be filled by: _____

Denied for the reason(s) checked below:

- Record cannot be found
- Record is not maintained by this agency
- Other (specify) _____

Printed Name& Title _____ Date: _____

NOTICE: You have the right to appeal to the Board of Education a denial of records from this office within 30 days of denial.

I hereby appeal the denial of requested records on the basis of: _____

HUDSON CITY SCHOOL DISTRICT

Printed Name: _____ Signature: _____

Date: _____

**REQUESTING RECORDS
By E-mail or Mail**

Information to Include in a Request is outlined below:

[Note to the public: 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 email, read all provisions, and delete and/or modify those that do not apply. The subject line of your emailed request should be "FOIL Request". Emails can be sent to: foilrequests@hudsoncsd.org

Dear Records Access Officer:

1. Please email 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 emailed to me, please inform me by email of the portions that can be emailed 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 emailed 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 External Media.

6. If my request is too broad or does not reasonably describe the records, please contact me via email 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 email 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 email address of the person or body to whom an appeal should be directed.

Name: _____

Address: _____

[Required, regardless of whether records are to be mailed or not]

Adoption date: July 7, 2009

Revision date: July 5, 2017

AGENCY RESPONSE TO REQUEST FOR RECORDS

[Note to the public: This form's language is optional but may be used by the Records Access Officer's Office to respond to requests for records. The Office may utilize certain portions that are most applicable to their response. It is recommended that the Office cut and paste the entire form, review all provisions, and delete those that do not apply when responding to a 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]: _____.

1. Attached are electronic 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 cannot 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

- 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:
Email 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:
Email 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 email 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]

Send to:

Name:

Title:

Mailing Address:

Adoption date: July 7, 2009

Revision date: July 5, 2017