

700-01 — Freedom of Information Law (FOIL)

Statement of Purpose

In compliance with Public Officers Law, Article 6, and Executive Law, §206-a [1§] §208, the Board of Trustees of Fairport Public Library adopts this Freedom of Information Law (FOIL) policy.

Records Access Officer

The Administrative Clerk or Office Clerk II, 1 Fairport Village Landing, Fairport, New York 14450 is designated as Records Access Officer of the Library.

The Records Access Officer shall:

- Respond to all inquiries relating to the availability to the public of the library's records pursuant to the Freedom of Information Law within five business days (Monday–Friday, excluding holidays) following receipt of the request. An extension of an additional 15 working days may be necessary to properly respond, and if so, the reason for this extension will be explained.
- Receive and process requests for access to records in the manner prescribed by law.
- Maintain a current list of records, indexed according to subject matter, for public inspection.
- Comply with these and all other duties as itemized in Section 50.3 of the law.

Subject Matter List

The Records Access Officer shall maintain and make available for public inspection and copying a correct list, by subject matter, of all records maintained by the library. "Records" are defined as any information kept, held, filed, produced, or reproduced by, with, or for the Library in any physical form. This includes, but is not limited to, reports, statements, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters (including emails), microfilms, or computer tapes or discs. The Library shall not be required to create or compile records in order to comply with a request. The subject matter list shall be updated no less frequently than twice per year and shall be available to the public within thirty (30) days of passage of this policy.

FOIL Requests

- Shall be submitted to the Records Access Officer (see Appendix A – Form) and shall specify whether the petitioner wishes to see and read the requested item or receive a copy. Email requests for records submitted to the Library shall be made using the following email address: FOILRequests@fairportlibrary.org. Email requests for records received by the Records Access Officer after 4pm Monday – Friday, on weekends, or when the library is closed shall be considered to have been received on the next business day.
- Shall be answered within five business days (Monday–Friday, excluding holidays) of the date the form is received. If the document/information is not immediately available, the Records Access Officer shall notify the requesting individual when and how the record (s) will be available.
- Shall be sufficiently detailed to identify the specific document requested.
- Shall include the name, mailing address, and telephone number of the requesting individual.
- May require payment for copies or any other costs incurred by the Library.

Inspection and/or copying records

When access to records is granted, records may be inspected by the public at the library in the presence of the Records Access Officer or his/her designee during regular hours of library operation, as arranged in advance by the Records Access Officer. If the original of the record includes information, details, and/or particulars requiring deletion, the individual requesting shall only be permitted to inspect a copy of the record with deletions.

Copying of the record will be performed by the Records Access Officer upon payment of the fee established by the Board of Trustees.

No original record may be removed from the Library or custody of the Records Access Officer or his/her designee.

Denial of Requests

Under NYS Public Officers Law, Article 6, §87 - Freedom of information Law, the Library may deny access to records or portions thereof that:

- Are specifically exempted from disclosure by state or federal statute;
- If disclosed, would constitute an unwarranted invasion of personal privacy.
 - The Library may, from time to time, disclose PII (Personally Identifiable Information) from records, if satisfied as to the authorized representatives' legal authority to obtain such information, the library may alternatively opt to redact PII (Personally Identifiable Information) to the extent permitted by law.
- If disclosed, would impair present or imminent contract awards or collective bargaining negotiations;
- Are trade secrets or are submitted to an agency 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;
- Are compiled for law enforcement purposes and which, if disclosed, would
 - Interfere with law enforcement investigation or judicial proceedings,
 - Deprive a person of a right to a fair trial or impartial adjudication,
 - Identify a confidential source or disclose confidential information relating to a criminal investigation, or
 - Reveal criminal investigative techniques or procedures, except routine techniques and procedures;
- If disclosed, would endanger the life or safety of any person;
- Are internal library materials which are not
 - Statistical or factual tabulations or data;
 - Instructions to staff that affect the public; or
 - Final Library policy or determinations; or
 - External audits, including but not limited to audits performed by the comptroller and the federal government;

- If disclosed, would jeopardize the capacity of an agency or an entity that has shared information with an agency to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures.

Should a particular FOIL request be denied, it may be appealed, in writing, to the President of the Board of Trustees at fptrustee@gmail.com, within 30 days from the date of the denial.

Fees

Fees for copies and the cost of reproducing records will be charged in keeping with Public Officers Law, Article 6, and Executive Law, §206-a [1§] §208. As provided by that law, the fee is \$0.25/page for letter or legal size black & white copies; additional charges for color, oversized, or digitally scanned materials are based upon the cost incurred by the Library to copy materials; payment by cash or check is required prior to providing the materials.

If copies are not needed, there is no cost associated with viewing or photographing the documentation.

In determining the actual cost of reproducing a record, the Library may only include:

- An amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record;
- The actual cost of the storage devices or media provided to the person making the request in complying with such request;
- The actual cost of engaging an outside professional service to prepare a copy of a record, but only when the Library's information technology equipment is inadequate to prepare a copy; and
- Preparing a copy shall not include search time or administrative costs and no fee shall be charged unless at least two hours of Library employee time is needed to prepare a copy of the record requested. A person requesting a record shall be informed of the estimated cost of preparing a copy of the record if more than two hours of an employee's time is needed, or if an outside professional service would be retained to prepare a copy of the record.

Public Notice

The Records Access Officer shall cause public notice to be posted on the Library's website informing the public of the Records Access Officer's business address and email address.

Freedom of Information Law

Any details not specified in this policy should be located in the actual law, which may be found at <http://www.dos.ny.gov/coog/foil2.html>.

Adopted: January 12, 2012

Reviewed:

Revised: February 10, 2021

Appendix A — FOIL Request Form

To: RECORDS ACCESS OFFICER (email to: FOILRequests@fairportlibrary.org)
Fairport Public Library
1 Fairport Village Landing
Fairport, NY 14450

Under the provisions of the New York Freedom of Information Law, Article 6 of the Public Officers Law, I hereby request record(s) or portion(s) thereof pertaining to:

(attempt to identify the record(s) in which you are interested as clearly as possible)

Your Name: _____ Signature: _____

Address: _____ Date: _____

Telephone: _____ E-mail: _____

Method: *No Copies:* In-person Inspection *Copies:* Electronic Mailed Pickup

STAFF USE ONLY:

Date Received: _____

Approved:

Denied* (for the reasons checked below)

- Confidential Disclosure
- Part of Investigatory Files
- Record of which the Library is legal custodian but cannot be found
- Record is not maintained by the Fairport Public Library
- Exempted by Statute other than the Freedom of Information
- Other _____

Signature (Records Access Officer): _____ Date: _____

***Note:** If your request is denied, you may appeal that denial to the Fairport Library Board of Trustees, within 30 days: Board President, 1 Village Landing, Fairport, NY 14450 (fpltrustee@gmail.com).