

# SECTION 15-1 F.O.I.L. POLICY

## Town of Covert Freedom of Information Law Policy

### REGULATIONS ESTABLISHING THE RULES AND PROCEDURES GOVERNING PUBLIC ACCESS TO RECORDS OF THE TOWN OF COVERT AND ITS AUTHORIZED AGENCIES

Pursuant to the provisions of Section 88 and Section 87 Subsection 6 of the Public Officers Law, the following regulations are hereby adopted establishing the rules and procedures governing the public access to records of the Town of Covert and its authorized agencies:

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#### SECTION 1 - Purpose

The purpose of this policy is to set forth the methods and procedures governing the availability, location and nature of those records of the Town of Covert and its authorized departments subject to the provisions of Article 6 of the Public Officers Law, known as the Freedom of Information Law.

#### SECTION 2 - Definitions

For the purpose of this policy:

**Record:** any information kept, filed, held, produced, or reproduced by, with or for the Town of Covert or its authorized departments, in any physical form whatever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilm, recordings, rules, regulations or codes;

**Payroll record:** an itemized record setting forth the name, business address, title and salary of every officer and employee of the Town of Covert or its authorized departments;

**Chief Fiscal Officer:** Town Supervisor or his/her authorized representatives.

### SECTION 3 - Procedure for Obtaining Records

The Town officers listed below, or their authorized representatives, are hereby designated as Records Access Officers for their respective departments and shall be the custodian of such records, excepting payroll records.

<u>DEPARTMENT</u>	<u>ADDRESS</u>	<u>RECORDS ACCESS OFFICER</u>
-	PO Box 265, 8469 S Main St Interlaken, NY 14847	-
Town Supervisor		Town Clerk
Chief Fiscal Officer		Town Clerk
Buildings & Grounds		Town Clerk
Code Enforcement		Town Clerk
Vital Statistics		Town Clerk
Administration		Town Clerk
Town Attorney		Town Clerk
Town Clerk		Town Clerk
Ambulance Services		Town Clerk
Interlaken Fire Department	PO Box 274, Interlaken, NY 14847	Fire Chief
Trumansburg Fire Department	74 W Main, Trumansburg, NY 14886	Fire Chief
Historian		Town Clerk
Dog Licensing		Town Clerk
Information Technology		Town Clerk
Parks		Town Clerk
Personnel / Civil Service		Town Clerk
Planning		Town Clerk
Town Court		Court Clerk
Highway Department		Town Clerk
Assessment Department		Town Clerk
Tax Collector		Town Clerk

Any person who wishes to inspect or obtain a copy of any such record may request access to the record by making application to the Records Access Officer. Such application shall be in writing and shall reasonably describe the record or records sought. The Records Access Officer is required to provide written notice to an employee in the event a request is made for employee disciplinary records. Whenever possible a person requesting records shall supply information that may help to describe the records sought. Application forms may be obtained from the Records Access Officer at the office of the Town Clerk, or by email.

Requests for access to records may be submitted to the Town Clerk's office in person Tuesday - Friday between the hours of 10:00 a.m. and 5:00 p.m., by email, or by mail, addressed to such office or to such other officer as the Records Access Officer may specify. Within five (5) working days of receipt of a request, the Records Access Officer shall cause a search to be made for the requested record and will take one of the following courses of action:

1. Make the record available (and, if so requested and upon payment of the appropriate fee, shall make and certify a copy of the record);
2. Deny the request as provided in Section 7 of this regulation providing the reason, sending a copy of such denial to the office of the Town Attorney;
3. State that the record is not in the custody of the agency if appropriate;
4. State that the record cannot be located after diligent search if that is the case; or
5. Furnish an acknowledgment of receipt of the request and provide an approximate date for reply. If documents which are responsive to the request cannot be provided within twenty (20) days, another reply must be sent stating:
  - The reason why the documents were not provided within the twenty-day period, and
  - A specific date as to when the request will be answered. Such time period must be reasonable in light of the size of the request, time to search, etc.

The Records Access Officer, in his/her discretion, may waive compliance with any formality prescribed by this subdivision, including the use of application forms.

The Chief Fiscal Officer shall be the Town Supervisor. Any persons wishing to inspect and/or obtain a copy of any payroll record may make application to the Chief Fiscal Officer in writing pursuant to the provisions of Section 3, subparagraph (B) of this regulation to the Chief Fiscal Officer, PO Box 265, Interlaken, New York 14847. Upon receipt of such an application, the Chief Fiscal Officer shall cause the Bookkeeper to the Supervisor to search for and produce for inspection the payroll record. If the applicant requests a copy of such payroll record, the Chief Fiscal Officer shall provide him with one after payment of the appropriate fee.

#### **SECTION 4 - Subject Matter List**

On behalf of the Town of Covert, the Records Access Officer of each department shall maintain and make available for inspection a current list, reasonably detailed by subject matter, of all records in the possession of the department, whether or not available under Article 6 of the Public Officers Law. Such list shall be in conformity with such regulations as may be promulgated by the Committee on Public Access to Records. Any person desiring a copy of such list may request a copy thereof personally, by email or by mail and he shall be supplied with one copy.

Each Records Access Officer shall maintain:

1. A record of the final vote of each member in every department proceeding in which the member votes;
2. A record setting forth the name, public office address, title and salary of every officer or employee of the department, and;
3. A reasonably detailed current list by subject matter, of all records in the possession of the department whether or not available under this article.

#### **SECTION 5 - Fees**

The fees for copies of records shall not exceed twenty-five cents (\$.25) per photocopy not in excess of 8.5 inches by 14 inches, or the actual cost of reproducing any other record except when a different fee is otherwise prescribed by law or pursuant to such general rules and regulations as may be promulgated by the committee on public access to records in conformity with the provisions of Article 6 of the Public Officers Law. Payment of fees must be made before copies are made or materials are provided.

## **SECTION 6 – Requests for Employee Disciplinary Records**

Requests for access to employee disciplinary records shall be made known to the employee by written notification provided to the employee at his/her last known physical or email address by the departmental Records Access Officer. The written notification to the employee shall include the name of the person or entity making the request.

## **SECTION 7 - Prevention of Invasions of Privacy**

In accordance with the provisions of subdivision 3 of section 88 of the Public Officers Law and in conformity with such guidelines as may be promulgated by the Committee on Public Access to Records regarding the prevention of unwarranted invasions of personal privacy, the Records Access Officer may delete from any record identifying details the disclosure of which would result in an unwarranted invasion of personal privacy prior to making such record available for inspection and/or copying. In the event that one or more deletion is so made from any document, the Records Access Officer shall provide written notice of that fact to the person given access to the record. If the record is such that the personal matters cannot be fully deleted without substantially affecting the record of the identifying details cannot be effectively deleted, the Records Access Officer shall deny access to such record as provided in section 7 of this regulation.

## **SECTION 8 - Grant or Denial of Access to Records**

Each Records Access Officer shall, in accordance with these regulations, make available for public inspection and copying all records, except that such department 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 under the provisions of subdivision two of section 89 of Article 6 of the Public Officers Law of New York State;
3. if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
4. are trade secrets or are maintained for the regulation of commercial enterprise which if disclosed would cause substantial injury to the competitive position of the subject enterprises;
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 information relating to a criminal investigation; or
  - d. reveal criminal investigative techniques or procedures, except routine techniques and procedures
6. if disclosed would endanger the life or safety of any person;
7. are inter-departmental or intra-departmental materials; which are not:
- a. statistical or factual tabulations or data; or
  - b. instructions to staff that affect the public, or
  - c. final agency policy or determinations.
8. are examination questions or answers which are requested prior to the final administration of such questions.

## **SECTION 9 - Appeal**

**Any person whose application to inspect and/or copy records has been denied pursuant to section 7 of this regulation may appeal such denial to the Town Board of the Town of Covert.**

Such appeal shall be in writing and must set forth: the name and address of the applicant; the specific record(s) requested; the date of denial; and the reasons given for such denial. The Appeals Officer shall, upon receipt of a written appeal, immediately review the matter and affirm, modify or reverse the denial. If the Appeals Officer affirms or modifies the denial, he shall, within 7 days of receipt of the appeal: (1) communicate his reason for such affirmation or modification to the person making the appeal; and (2) inform such person of his right to appeal such affirmation or modification under Article 78 of the Civil Practice Law and Rules.

## **SECTION 10 - Effective Date**

This policy became effective January 13, 2025, upon passage by the Town of Covert Town Board.