

# **FREEDOM OF INFORMATION LAW (FOIL)**

## **Cornell Cooperative Extension of Delaware County (CCE)**

For the most current information on FOIL, please go to:

<https://doocs.ny.gov/freedom-information-law-foil>

The Freedom of Information Law (“FOIL”), Article 6 (Sections 84-90) of the New York State Public Officers Law, provides the public right to access to records maintained by government agencies with certain exceptions.

### **A. Definition of Records**

“Record” means any information kept, held, filed, produced or reproduced by, with, or for this agency, 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.

### **B. FOIL Process**

Within five business days of the receipt of a written request for a record reasonably described, we will send a letter either making such record available, denying such request in writing, or furnishing a written acknowledgment of the receipt of such request. If you do not receive a letter within five business days, please contact us at (607) 865-6531 or the Records Access Officer.

Please be advised that all electronic Freedom of Information requests are determined to have been received on the first normal business day after such requests are submitted.

### **C. Access to Records**

#### **1. Executive Director's Duties.**

The Executive Director shall be responsible for insuring compliance with these regulations and shall designate one or more persons as Records Access Officer by name or by specific job title and business address who shall have the duty of coordinating CCE’s response to public requests for access to records.

#### **2. Records Access Officer.**

The Records Access Officer is responsible for assuring that CCE personnel:

- a. Compile and maintain an up-to-date subject matter list of all records in CCE’s possession, whether or not available to the public. (The list shall be updated periodically and the date of the most recent updating shall appear on the first page. The updating of the subject matter list shall not be less than semi-annual).
- b. Assist the requester in identifying requested records, if necessary.
- c. Upon locating the records, take one of the following actions:
  - i. Make records promptly available for inspection; or,
  - ii. Copying when such requests are granted or,
  - iii. Scan and email to requestor, or
  - iv. Deny access to the records in whole or in part and explain in writing the reasons therefor.
- d. Upon request for copies of records:
  - i. Make a copy available upon payment and charge \$.25 per copy not exceeding 9” x 14” in size.
- e. Upon request, certify that a transcript is a true copy of records copied.
- f. Upon failure to locate records, certify that:
  - i. CCE is not the legal custodian for such records;

- ii. The records of which CCE is a legal-custodian cannot be found after diligent search.
- g. No record for which there is a pending request for access may be destroyed. However, nothing in these regulations shall require CCE to prepare any record not possessed.

### **3. Location.**

CCE records shall be available for public inspection and copying at CCE's office.

### **4. Hours for Public Inspection.**

CCE shall accept requests for public access to records and produce records during hours the CCE office is regularly open for business. The requester may schedule an appointment with the Records Access Officer for the inspection of available records.

### **5. Requests for Public Access to Records.**

- a. Where request for records is required, such request must be in writing. Requests will be accepted by e-mail.
- b. A request shall reasonably describe the record or records sought. Whenever possible, a person requesting records shall supply information regarding dates, titles, file designations or other information that may help to describe the records sought.
- c. If a record sought cannot be supplied within five business days of receipt of a request, CCE shall furnish a written acknowledgment of receipt of the request and a statement of the approximate date when the request will be granted or denied, which shall not be more than twenty business days after the date of such acknowledgement, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgement, CCE shall provide a statement in writing indicating the reason for its inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted or denied in whole or in part..
- d. CCE shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to Public Officers Law, Section 87-2.
  - i. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
  - ii. The subject matter list shall be updated not less than twice per year. The date of the most recent updating shall appear on the first page of the subject matter list.
- e. No records may be removed by the requester from the office where the record is located.

### **6. Denial of Access of Records.**

- a. The CCE Board President shall hear appeals for denial of access to records under the Freedom of Information Law.
- b. Denial of access shall be in writing stating the reason therefor and advising the requester of his or her right to appeal to the Board President, who shall be identified by name, business address and business telephone number.
- c. If CCE fails to provide requested records promptly as required by Section 5, such failure shall be deemed a denial of access by CCE.
- d. Any person denied access to records must appeal in writing and filed within 30 days of denial.
- e. The time for deciding the appeal by the Board President shall commence upon receipt of a written appeal identifying:
  - i. The date of the appeal
  - ii. The date and location of request for records;
  - iii. The records to which the requester was denied access;

Whether the denial of access was in writing or was by failure to provide records promptly; and The name and return address of the requester.

- f. CCE shall transmit to the Committee on Public Access to Records, copies of all appeals upon receipt of an appeal. Such copies shall be addressed to:
  - Committee on Open Government
  - Department of State
  - One Commerce Plaza
  - 99 Washington Avenue, Suite 650
  - Albany, NY 12231
- g. The CCE Board President shall inform the requester and the Committee on Public Access to Records of his decision in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth in subdivision f of this section.
- h. A final denial of access to a requested record shall be subject to court review, as provided in Article 78 of the Civil Practice Law and Rules.

## **7. Fees.**

- a. There shall be no fee charge for the following:
  - i. Inspection of records;
  - ii. Search for records; or,
  - iii. Any certification pursuant to this policy,
  - iv. Scan and email requested information.
- b. A charge for copies of records shall be as follows:
  - i. The fee for copying records shall be 25¢ per page for photocopies not exceeding 9" x 14".
- c.
  - 1. the fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction; or
  - 2. an agency has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.
- d. The fee an agency may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:
  - 1. 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, but only when more than two hours of the employee's time is necessary to do so; and
  - 2. the actual cost of the storage devices or media provided to the person making the request in complying with such request; or
  - 3. the actual cost to the agency of engaging an outside professional service to prepare a copy of a record, but only when an agency's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.
- e. When an agency has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the agency shall be required to retrieve or extract such record or data electronically. In such case, the agency may charge a fee in accordance with paragraph (1) and (2) above.
- f. An agency shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.
- g. An agency may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.
- h. An agency may waive a fee in whole or in part when making copies of records available.

#### **D. Records Exempted from Public Access**

The provisions of this regulation relating to information available for public inspection and copying shall not apply to records that:

- a. are specifically exempted from disclosure by state or federal statute;
  - b. if disclosed would constitute an unwarranted invasion of personal privacy;
  - c. if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
  - d. 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.
  - e. are compiled for law enforcement purposes and which, if disclosed, would:
    - i. interfere with law enforcement investigations or judicial proceedings;
    - ii. deprive a person of a right to a fair trial or impartial adjudication;
    - iii. identify a confidential source or disclose confidential information relating to a criminal investigation;;
- or
- iv. reveal criminal investigative techniques or procedures, except routine techniques and procedures.
  - f. if disclosed could endanger the life or safety of any person;
  - g. are inter-agency or intra-agency materials which are not:
    - i. statistical or factual tabulations or data;
    - ii. instructions to staff that affect the public;
    - iii. final agency policy or determinations; or
    - iv. external audits, including but not limited to audits performed by the comptroller and the federal government
  - h. are examination questions or answers which are requested prior to the final administration of such questions
  - i. 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

#### **E. Listing of Records**

Pursuant to Section 87(3) (c) of the Public Officers Law, the current records retention schedule for Cornell Cooperative Extension shall serve as the list by subject matter of all records in the possession of Cornell Cooperative Extension, whether or not available under the law.

#### **F. Public Notice.**

CCE shall post in a conspicuous location and/or publicize by publication in the local newspaper having general circulation in the County:

- a. The location where public records shall be made available for inspection and copying.
- b. The name, title, business address and business telephone number of the designate Records Access Officer.
- c. The right to appeal by any requester denied access to a record for whatever reason and the name and business address of the person to whom an appeal is to be directed.

The location where records shall be made available for inspection and copying is the Cornell Cooperative Extension Office, 34570 State Highway 10, Hamden, NY.

A person denied access to a record for whatever reason shall have the right to appeal. The appeal officer is the CCE Board President.

**APPLICATION FOR PUBLIC ACCESS TO RECORDS**  
Cornell Cooperative Extension Delaware County  
**Freedom of Information Law ("FOIL") Application**

**To: Records Access Officer**

CCE Delaware County  
34570 St Hwy 10, Ste 2  
Hamden, New York 13782

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**I hereby apply to inspect the following record(s):**

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<hr/> <p style="text-align: center;">Signature</p>	<hr/> <p style="text-align: center;">Date</p>
<hr/> <p style="text-align: center;">Print Name</p>	<hr/>
<hr/> <p style="text-align: center;">Representing</p>	<hr/>
<hr/> <p style="text-align: center;">Telephone No.</p>	<hr/> <p style="text-align: center;">Mailing Address</p>

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**For Agency/Department Use Only**

\_\_\_\_\_ Approved

\_\_\_\_\_ Number of copies are responsive to the request and a fee of: \_\_\_\_\_

A fee of \$.25 per page must be remitted in advance  
*(Please make checks payable to Cornell Cooperative Extension Delaware County)*

OR

records available for inspection by appointment with Records Access Officer, \_\_\_\_\_ . Please call (607) 865-6531 at Cornell Cooperative Extension of Delaware County, 34570 State Highway 10, Hamden, NY 13782

# PUBLIC ACCESS TO RECORDS

## Cornell Cooperative Extension Delaware County **Response**

- \_\_\_\_\_ Records of which this Agency/Department is Legal Custodian Cannot be found.
- \_\_\_\_\_ Record is not maintained by this Agency/Department
- \_\_\_\_\_ Receipt of request acknowledged, however, additional time is required  
Number of Days \_\_\_\_\_ Reason \_\_\_\_\_
- \_\_\_\_\_ Denied: (for reason(s) checked below)
- \_\_\_\_\_ Unwarranted Invasion of Personal Privacy
- \_\_\_\_\_ Exempted by Statute other than the Freedom of Information Act Specify:  
\_\_\_\_\_
- \_\_\_\_\_ Confidential \_\_\_\_\_
- \_\_\_\_\_ Disclosure of Information of Procedures in criminal investigation
- \_\_\_\_\_ Other: (Specify) \_\_\_\_\_

\_\_\_\_\_  
Signature Records Access Officer

\_\_\_\_\_  
Date Department of:

### Notice

You have the right to appeal a denial, in whole or in part, of this application to the CCE Board President.

Any person denied access to records must appeal in writing and filed within 30 days of denial.

I hereby appeal:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date