

 <p>The College at Brockport</p> <p>Category: Office of Human Resources</p> <p>Responsible Office: Human Resources</p>	<p>Policy Title: Freedom of Information Requests</p>
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Policy:

The University complies fully with the New York state "Freedom of Information Law" (Article VI, Public Officers Law, as amended effective January 1, 1978), which was enacted to assure public accountability of state agencies while protecting individuals against unwarranted invasions of personal privacy. Records are made available through the Director of Human Resources who is the campus Records Access Officer.

All records are available, unless an exception permits an agency to deny access. Most of the exceptions are based upon common sense and the potential for harm that would arise by means of disclosure. If disclosure of records would be damaging to an individual or preclude a government agency from carrying out its duties, it is likely that some aspects of the records may be withheld.

Examples of records exempted from disclosure include records that:

1. are specifically exempted from disclosure by state or federal statute;
2. if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
3. if disclosed, would result in an unwarranted invasion of personal privacy;
4. are trade secrets or are submitted to an agency by a commercial enterprise and which, if disclosed, would cause substantial injury to the competitive position of the subject enterprise;
5. are compiled for law enforcement purposes and, if disclosed, would:
 - o interfere with law enforcement investigations or judicial proceedings;
 - o deprive a person of a right to a fair trial or impartial adjudication;
 - o identify a confidential source or disclose confidential information relative to a criminal investigation; or
 - o 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-agency communications, except to the extent that such material consists of:
 - o statistical or factual tabulations or data;
 - o instructions to staff that affect the public;
 - o final agency policy or determination; or
 - o external audits, including, but not limited to, audits performed by the comptroller and the federal government.
8. are examination questions or answers that are requested prior to the final administration of such questions; or
9. computer access codes.

Procedure:**Requesting records under the Freedom of Information Act:**

1. A request for information or records should be submitted in writing to the Office of Human Resources, giving a reasonable description of the record(s) requested for viewing. Whenever possible, dates, titles, file designations, or other information that will help locate of such records should be provided. Requests may be made electronically by sending an e-mail to hrdept@brockport.edu.
2. Within five business days of the receipt of a written request for a record reasonably described, the College will make the record available, deny access in writing giving the reason for denial, or furnish a written acknowledgment of receipt of the request and a statement of the approximate date when the request will be granted or denied.
3. Copies of accessible records will be made available upon request. The College will not charge for inspection, certification, or search of records. The College will charge \$0.25/photocopied page if such photocopying is requested.

Denial of Access and Appeal:

1. A denial of access will be provided in writing, stating the reason for the denial and advising you of your right to appeal the decision through appropriate College channels.
2. An appeal must be requested within thirty calendar days of a denial.
3. Upon receipt of an appeal, University has 10 business days to fully explain in writing the reasons for further denial of access, or shall provide access to the records under the procedure guidelines.
4. Copies of all appeals and their determinations must be sent by the College to the State Committee on Open Government.
5. Review of a final College denial is possible by following Article 78 of the Civil Practice Laws and Rules.

Subject Matter List:

The College is required to maintain an up-to-date list of the records in The College at Brockport's possession.

The law defines "record" as "any information kept, held, filed, produced or reproduced by, with or for an agency or the State Legislature, in any physical form whatsoever..."

Every department 1) identifies a "records custodian", and 2) provides a brief category listing of all unit records.

These would include:

- Personnel files
- Office budget
- Correspondence
- Policy and planning documents
- Other records unique to departments

A copy of the updated subject matter listing can be reviewed in Office of Human Resources, the Allen Administration Building.

Reference(s):

*Public Officers Law, Article VI:

<http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS>