BGLIG

Bronx Global Learning Institute for Girls Charter School

The Shirley Rodriguez-Remeneski School

"Where Every Girl Is a Leader!"

Freedom of Information Policy

This policy governs the procedure by which the records of BGLIG may be obtained pursuant to the New York State Freedom of Information Law ("FOIL").

1. Records Access Officer

The Board of Trustees shall appoint a Records Access Officer ("RAO") who shall be responsible for insuring compliance with this policy. The RAO is responsible for ensuring appropriate response to public requests for access to records. The designation of a RAO shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.

The RAO shall:

(a) Maintain an up-to-date subject matter list.

(b) Assist persons seeking records to identify the records sought, if necessary, and when appropriate indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.

(c) Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that the RAO may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.

(d) Upon locating the records, take one of the following actions:

(i) Make records available for inspection; or,

(ii) Deny access to the records in whole or in part and explain in writing the reasons therefor. (e) Upon request for copies of records:

(iii) Inform the requestor of the medium such records are available in and the costs of disclosing the records, if any, in accordance with this policy.

(iv) Make a copy available on the medium requested if BGLIG can reasonably make such copy or have such copy made by engaging an outside professional service upon payment or an offer to pay established fees, if any, in accordance with this policy; or,

(v) Permit the requestor to copy those records upon payment or an offer to pay established fees, if any, in accordance with this policy.

(f) Upon request, certify that a record is a true copy; and

(g) Upon failure to locate records, certify that;

(vi) BGLIG is not the custodian of such records, or

(vii) The records of which BGLIG is a custodian cannot be found after a diligent search.

2. Location

Records shall be available for public inspection and copying at BGLIG's premises when appropriate and practicable or at a location to be determined by the RAO depending on the nature and circumstances of the request.

3. Hours for Public Inspection

Records responsive to proper requests under FOIL shall be produced during regular business hours, whenever appropriate and practicable, or at a time to be determined by the RAO depending on the nature and circumstances of the request.

4. Requests for Public Access to Records

(a) All requests must be made in writing.

(b) If records are maintained on the internet, the requestor shall be informed that the records are accessible via the internet and in printed form either on paper or other information storage medium.

(c) If BGLIG has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, it shall do so. When doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, BGLIG shall retrieve or extract such record or data electronically. Any programming necessary to retrieve a record maintained in a computer storage system and to transfer that record to the medium requested by a person or to allow the transferred record to be read or printed shall not be deemed to be the preparation or creation of a new record.

(d) A response shall be required only when the request is made in writing, and shall be provided within 5 business days after receipt of the request by a written acknowledgment informing the requestor:

(i) that all or part of the request fails to reasonably describe the records sought, and indicating, to the extent possible, what further detail or description is needed to process the request; (ii) that the request is granted or denied in whole or in part;

(iii) of the approximate date when the request will be granted or denied based on the circumstances and reasonableness of the request, however, such date shall not be more than twenty business days after the date of the acknowledgment of the request.

(e) If the request is granted within 20 business days after the date the request is acknowledged, but circumstances prevent disclosure to the requestor within those 20 business days, the RAO will inform the requestor in writing of the reason why BGLIG cannot disclose the information within 20 business days and shall also provide a date certain, within a reasonable period, depending on the circumstances, when the request will be disclosed.

(f) In determining a reasonable time for granting or denying a request, the RAO shall consider the volume of the request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by BGLIG, and any other factors that bear on the ability to grant access to records promptly and within a reasonable time.

(g) BGLIG shall not deny a request on the basis that the request is voluminous or that locating or reviewing the requested records or providing the requested copies is burdensome due to a lack of sufficient staffing or on any other basis if the agency may engage an outside professional service to provide copying, programming or other services required to provide the copy, the costs of which BGLIG may recover from the requestor.

(h) Failure to comply within the time limitations described herein shall constitute a denial of a request that may

be appealed.

5. Subject Matter List

(a) The RAO shall maintain a reasonably detailed current list by subject matter of all records in his or her possession, whether or not records are available pursuant to subdivision §87(3)(c) of the Public Officers Law. For the purposes of this policy, this subject matter list shall be the same as that designated in BGLIG's Record Retention Policy.

(b) The subject matter list shall be updated periodically.

6. Denial of Access to Records

BGLIG may deny access to requested records or a portion thereof:

(a) that are specifically exempted from disclosure by state or federal statute;

(b) if disclosure would constitute an unwarranted invasion of personal privacy under the provisions of Public Officers Law §89(2);

(c) if disclosure would impair present or imminent contract awards or collective bargaining negotiations; (d) that are trade secrets or were submitted to BGLIG 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) that 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 disclosure could endanger the life or safety of any person;

(g) that are BGLIG materials which are not:

(v) statistical or factual tabulations or data;

(vi) instructions to staff that affect the public;

(vii) final agency policy or determinations;

(viii) external audits, including but not limited to audits performed by the comptroller and the federal government;

(h) that are examination questions or answers which are requested prior to the final administration of such questions;

(i) if disclosure would jeopardize BGLIG's capacity to guarantee the security of its information technology assets;

(j) that are photographs, microphotographs, videotape or other recorded images prepare under authority of section eleven hundred eleven-a of the vehicle and traffic law; or

(k) if disclosure would result in a violation of FERPA of 1974, as amended, the Health Insurance Portability and Accountability Act of 1996, as amended, or any other federal, state, or local law or rule, or court order.

(l) if the request is for names and addresses of public employees and is made for solicitation purposes. BGLIG may require a person requesting lists of names and addresses to provide a written certification that such person will not use such lists of names and addresses for solicitation or fund-raising purposes and will not sell, give or otherwise make available such lists of names and addresses to any other person for the purpose of allowing that person to use such lists of names and addresses for solicitation and fund raising purposes.

Denial of access to records shall be in writing stating the reason therefore and advising the requestor of the right to appeal to the Board of Trustees or the Board's designee, who shall be identified by name, title, business address, and business phone number.

7. Appeal of Denial

(a) Any person denied access to records may appeal to the Board of Trustees within thirty days of a denial. The time for deciding an appeal by the Board of Trustees shall commence upon receipt of a written appeal identifying:

(i) the date and location of requests for records;

(ii) a description, to the extent possible, of the records that were denied; and

(iii) the name and return address of the person denied access.

(b) The Board of Trustees shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

(c) The Board of Trustees shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government
Department of State
41 State Street
Albany, NY 12231

8. Fees

(a) There shall be no fee charged for:

(i) inspection of records;

(ii) search for records; or

(iii) any certification pursuant to this policy.

(b) Copies may be provided without charging a fee at the discretion of the RAO.

(c) Fees for copies of records may be charged, provided that:

(i) the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches, or the actual cost of reproducing any other record.

(d) In determining the actual cost of reproducing a record, BGLIG may include:

(i) an amount equal to hourly salary attributed to the lowest paid BGLIG employee who has the necessary skill required to prepare a copy of the requested record;

(ii) the actual cost of the storage devices or media provided to the requestor in complying with such request;

(iii) the actual cost to BGLIG of engaging an outside professional service to prepare a copy of a record, but only when an BGLIG's information technology equipment is inadequate to prepare a copy, if such service is used to prepare the copy; and

(iv) preparing a copy shall not include search time or administrative costs, and no fee shall be charged unless at least two hours of BGLIG 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 BGLIG employee's time is needed, or if an outside professional service would be retained to prepare a copy of the record.

9. Severability

If any provision of this policy or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this policy or the application thereof to other persons and circumstance.