NEW CASTLE FIRE DISTRICT NO. 1
FOIL REQUEST POLICY

1. **Purpose**: It is the policy of the Fire District to comply with the requirements of Article 6 of the Public Officers Law: the Freedom of Information Law ("FOIL"). It is the intent of this Policy to enhance access to public records and compliance with FOIL.

2. **Written Request**: The Fire District requires that all FOIL requests be made in writing.

3. **Designation of Records Access Officer**: The Board of Fire Commissioners hereby designates the Fire District Secretary both the Records Management Officer of the Fire District pursuant to Arts and Cultural Affairs Law Section 57.19 and the Records Access Officer of the Fire District pursuant to 12 NYCRR 1401.2.

4. **Duties of The Records Access Officer**:

   A. The duties of the Records Access Officer shall have such duties as described in 12 NYCRR 1401.2(b) including, but not limited to, the following, together with such other duties as may be assigned by the Board of Fire Commissioners:

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

      (2) Contact persons seeking records when a request is voluminous or when locating the records sought involves substantial effort, so that Fire District personnel may reasonably reduce the volume of requested records.

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

         (a) Make records promptly available for inspection; or

         (b) Deny access to the records in whole or in part and explain in writing the reasons therefor.

      (4) Upon request for copies of records:

         (a) Make a copy available upon payment of established fees; or
         (b) Original documents cannot be removed from District Office. If record is authorized to be reproduce that contains the personal information of a current or past member, , said records shall only contain the information required to be disclosed under

Section 7 below and in no event shall contain a social security number.

(c) Permit the requester to copy those records. Fire District copying equipment is not permitted to be used by non-Fire District personnel. A requester may use a cell phone or other hand-held device to copy or scan documents.

(5) Upon request, certify that a record is a true copy.

(6) Upon failure to locate records, certify that:

(a) The Fire District is not the custodian for such records; or

(b) The records of which the Fire District is a custodian cannot be found after a diligent search.

5. **Responses to Requests**:

A. The Records Access Officer or the Officer's designee shall respond to a request within five (5) business days of the receipt of a request by:

(1) Informing the requester that the request or portion of the request does not reasonably describe the records sought to the extent possible that would enable that person to request records reasonably described;

(2) Granting or denying access to records in whole or in part, pursuant to 21 NYCRR § 1401.5(a);

(3) Acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than 20 business days after the date of acknowledgment.

(a) If it is known that circumstances prevent disclosure within 20 business days from the date of such acknowledgement, they should provide a statement in writing stating the reason for 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 in whole or in part; or

(4) If the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within 20 business days of such acknowledgement, but circumstances prevent disclosure within that time, a statement in writing within said 20 business days must be given stating the reason

for the inability to do so and a date certain within a reasonable period, under the circumstances of the request, when the request will be granted in whole or in part.

B. In determining a reasonable time for granting or denying a request, the Records Access Officer shall consider the volume of a request, the ease or difficulty in locating, retrieving, or generating records, the request's complexity, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the Fire District, and similar factors that bear on the Fire District's ability to grant access to records promptly and within a reasonable time.

C. All information released shall be discussed and/or provided to the Board of Fire Commissioners prior to release. The Chair of the Board of Fire Commissioners shall have the final approval of the release of any and all information.

6. **Documents Which Are Not Public**:

A. Not all documents must be made public by the Fire District. The Fire District 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;

(3) If disclosed, would impair present or imminent contract awards or collective bargaining negotiations;

(4) Are trade secrets or are submitted to the Fire District 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;

(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;

(d) Reveal criminal investigative techniques or procedures, except routine techniques and procedures; or

(e) If disclosed, it could endanger the life or safety of any person.

(6) Are inter-Fire District or intra-Fire District materials. However, these materials are not exempt from disclosure if they are:

(a) Statistical or factual tabulations or data;

(b) Instructions to staff that affect the public;

(c) Final Fire District policies or determinations; or

(d) External audits, including, but not limited to, audits performed by the New York State Comptroller or the federal government.

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

(8) If disclosed, would jeopardize the Fire District's capacity to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures; or

(9) Are photographs, microphotographs, videotapes, or other recorded images prepared under authority of Section 1111-a of the Vehicle and Traffic Law

7. **Right to Protect Personal Privacy**:

A. Documents do not have to be disclosed if they would result in an invasion of the personal privacy of the members, officers, or employees.

B. An unwarranted invasion of personal privacy includes, but is not limited to:

(1) Disclosure of employment, medical or credit histories, or personal references of applicants for employment;

(2) Disclosure of items involving the medical or personal records of a client or patient in a medical facility;

(3) Sale or release of lists of names and addresses, if such lists would be used for commercial or fundraising purposes;

(4) Disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such information is not relevant to the work of the agency requesting or the Fire District in maintaining it;

(5) Disclosure of information of a personal nature reported in confidence to the Fire District and not relevant to the ordinary work of the Fire District; or

(6) Information of a personal nature contained in a workers' compensation record, except as provided by § 110-a of the Workers' Compensation Law.

C. Disclosure does not constitute an unwarranted invasion of personal privacy when:

(1) Identifying details are deleted;

(2) The person to whom a record pertains consents in writing to the disclosure;

(3) Upon presenting reasonable proof of identity, a person seeks access to records pertaining to him or her.

8. **Denial of Access to Records and Appeals**:

A. Denial of access to any Fire District records shall be in writing made by the Record Access Officer or the Officer's designee. It must state the reason for denial and advise the person denied access to their right to appeal. Denials shall be sent by regular mail to the address provided by the requester and shall be deemed received when mailed. The appeals period shall commence on the date of mailing of the denial when such is placed in a postage paid envelope addressed to the requester and deposited in a U.S. Postal Service mailbox.

B. All appeals shall be made in writing to the Chair of the Board of Fire Commissioners at PO Box 64, Chappaqua, New York 10514.

C. The Chair shall cause a copy of any appeal, upon receipt, to be sent to the Committee on Open Government, Department of State, One Commerce Plaza, 99 Washington Ave., Suite 650, Albany, N.Y. 12231.

D. The appeal shall be determined within ten (10) business days upon receipt of a written appeal identifying and which shall contain:

(1) The date and location of the request for records;

(2) A description, to the extent possible, of the records that were denied; and

(3) The name and return postal address of the requester/appellant.

E. An appeal may be determined by either granting access to the records sought or fully explaining the reasons for further denial in writing.

F. The Chair of the Board of Fire Commissioners, or the Chair's designee, shall inform the appellant and the Committee on Open Government of the determination in writing within ten (10) business days of the Chair's receipt of the appeal.

9. **Fees**:

A. Fees for records shall be charged as provided in 21 NYCRR 1401.8, but for records not exceeding 9 x 14 inches, the fee shall be 25 cents per page for photocopies.

B. All fees for copying or reproducing a record shall be paid in advance of the preparation of such copy. No records shall be provided unless such fees have been paid. All fees shall be paid in cash, official bank draft, certified check, or money order payable to the Fire District.

C. A person requesting a record shall be informed, prior to incurring the expenses, of the estimated cost of preparing a copy of the record if more than 2 hours of an agency employee's time is needed, or if an outside professional service would be retained to prepare a copy of the record. Records shall not be released until the person requesting the record pays the fee associated with providing the record.

D. In the event that any requester, individually or on behalf of an organization or other person, has failed to pay fees for any request for records, such person(s) or organization shall be prohibited from any further request under FOIL until such prior request fees have been paid.

E. No fee shall be charged for:

(1) The search for a record, except as stated above;

(2) The inspection of a record;

(3) The copying of a record by the person inspecting the record; or

(4) The certification of a record by the Records Access Officer, or any certification given by that Officer, in connection with the inspection of records.

10. **Location Where Records Are Available for Public Inspection**: Fire District records shall be available for public inspection and copying at the office of the Fire District Secretary at 491 King Street, Chappaqua, New York 10514. All Fire District records do not need to be maintained or stored at this location, but only that they are made viewable at this location. This Policy does not require that all requests for inspection of records be complied with upon submission, but as dictated by this Policy.

11. **Hours for Public Inspection**: The Fire District is an emergency response agency and does not have hours that it is regularly open for business. However, the Fire District Secretary shall accept requests for public access to records and produce records during all hours the Fire District Secretary is present at the Fire District offices for the conduct of Fire District business, apart from emergency responses. A person may request an appointment with the Fire District Secretary to inspect and copy records. Such person may contact the Fire District Secretary at 491 King Street, Chappaqua, New York to arrange an appointment.

12. **No Requirement to Create Records**: The official form of all Fire District documents is in paper format. Nothing requires the Fire District to prepare any record not possessed or maintained by the Fire District. If the document does not exist, the Fire District will notify the person making the request that the Fire District does not maintain the document.

13. **Fire District Employment Information**: Members of the public shall have access to, and may copy the record kept by, the Records Access Officer which lists the names, public office addresses, titles, and salaries of all members, officers, and employees of the Fire Department or the Fire District. Volunteer firefighters shall be deemed employees for purposes of this Section only, and no information beyond their name, fire department rank, and fire station assignment will be provided.

14. **Amendment**: The Board of Fire Commissioners may amend this Policy from time to time in accordance with the law.

15. **Adoption**: This Policy is adopted on June 20, 2024 and supersedes any previous versions of this policy.