



FREEDOM OF INFORMATION LAW

QUICK REFERENCE CARD

All charter school education corporations are subject to the New York State Freedom of Information Law (“FOIL”) and must have a FOIL policy in place and available to the general public. This is a general overview document. For more in depth information regarding FOIL please see the Institute Guide to FOIL available at: <http://www.newyorkcharters.org/compliance/>

Record

Any information kept, held, filed, produced or reproduced by, with or for an agency (charter school) or the state legislature, 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 discs, rules, regulations, or codes. Records include any and all formats including electronic, audio, video, etc.

Policy and Notice

Each education corporation must adopt and post a FOIL policy and notice. The notice must be available in all school sites and posted on the website of the education corporation.

Procedure

Within **5 days** of receiving a written FOIL request, the education corporation will:

- a) make such record available;
- b) deny such request in writing; or,
- c) furnish a written acknowledgement of the receipt of such request and a statement with the approximate date (within 20 business days) such request will be granted or denied.

A request cannot be denied on the basis that is burdensome or too costly. Yet, if circumstances prevent the education corporation from providing the records within 20 business days of the date of the acknowledgement of the request (not the date of the request), the education corporation must state, in writing, (1)the reason it is not able to provide the record within the 20 business days; **and**, (2) a reasonable date certain (*not* an approximate date) by which some or all of the records requested will be provided.

Fees

An education corporation may only charge up to \$0.25/page (up to 9”x14”) for paper copies or the actual cost of electronic media (flash drive, etc.). Information on other fees is available in the Guide to FOIL.

Required Records

- Record of the final vote of board vote including the vote of each member. (May be done in board minutes).
- A record setting forth the name, public office address, title and salary of every officer or employee of the education corporation.
- An annually updated and prominently dated list, by subject matter, of all records in the possession of the education corporation, whether or not available under FOIL.

Website Posting to Include

- FOIL Notice
- Records Subject List
- Link to the NYS Department of State’s Committee on Open Government

