



It is the policy of Neighborhood Charter School of Harlem (the “School”) to furnish to the public the information and records required by the Freedom of Information Law (“FOIL”) constituting Article 6 of the Public Officers Law (“POL”).

## PROCEDURES

### 1. Designation of records access officer; duties

A. The School is responsible for insuring compliance with FOIL. The School’s records access officer is the Head of School. All FOIL requests should be sent to the following address:

*(insert School address)*

B. The records access officer is responsible for ensuring that the School appropriately responds to requests for access to its records. The records access officer shall ensure the following:

- (1) the maintenance of a current and reasonably detailed list by subject matter of all records in the possession of the School, whether or not available under POL § 87(2);
  - (a) the subject matter list shall be sufficiently detailed to permit identification of the category of the record sought; and
  - (b) the subject matter list shall be updated not less than twice each year;
- (2) assisting the requester in identifying requested records, if necessary;
- (3) locating the records and making a determination as to whether access will be granted in whole or in part; and

(a) making available for inspection those records that are required to be produced by law subject to redactions appropriate under law; or

(b) denying access to the records in whole or in part, with a written explanation.

(4) The records access officer may make available a copy of a requested record upon payment or the offer to pay established fees, in accordance with section 6, below.

(5) Upon request, the records access officer will certify that a record is a true copy, or obtain such certification.

(6) Upon failure to locate records, the records access officer will certify that:

(a) the School is not the custodian for such records; or

(b) the records of which the School is a custodian could not be found after a diligent search.

2. Location of records

A. Public records may be made available for inspection at:

*(insert School address)*

3. Hours for public inspection

Requests for public access to records shall be accepted and records produced during the School's regular business hours, which are: 8:00 a.m. until 3:00 p.m., Monday through Friday, excluding school and legal holidays.

4. Requests for access to records

A. A written request for records is required.

B. Every request for records that is received by any School employee must immediately be forwarded to the records access officer for the latter's response. School personnel other than the records access officer are not authorized to respond to requests for records under FOIL, whether orally or in writing.

- C. A request must reasonably describe each record being requested. Whenever possible, a person requesting records should provide information, including the date of the records, which will identify the records being requested.
- D. Pursuant to POL section 89.3, within 5 business days of receipt of a FOIL request, the records access officer will respond to that request, provided it has reasonably and with particularity described the record being sought, by providing:
  - (1) if the request will be granted in whole or in part, a statement to that effect including, if practicable, a copy of the requested record; or
  - (2) if the request will be denied, a written explanation of the reason for denial; or
  - (3) if a decision regarding the request has not yet been made, an acknowledgment of the request and a statement of the approximate date when it is anticipated that the request will be decided, which date shall be reasonable under the circumstances of the request, and, where appropriate, a statement that the request will be determined in accordance with subdivision 89(5) of the POL (trade secret and critical infrastructure information).
  - (4) If the School determines to grant a request in whole or in part, and if circumstances prevent disclosure within 20 business days from the acknowledgement of the receipt of the request, the letter from the School shall state a) the reason for the inability to grant the request within 20 business days, AND b) a date certain within which the request will be granted in whole or in part. (POL § 89(3) as amended by Ch. 22 of L. 2005).

5. Denial of access to records; appeals

- A. Denial of access to records shall be in writing, shall state the reason and shall advise the requester of the right to appeal. Any person denied access to a record may make an appeal in writing to the School within 30 days of receipt of denial of access.
- B. If a response to a request for records is not made in a timely manner, as required by section 4(D) of these procedures, pursuant to the POL, such lack of response shall constitute a denial of access.
- C. The Board of Trustees of the School has been designated to receive and determine appeals regarding denial of access to School records under FOIL. Appeals should be directed to the President of the Board of Trustees at the address below:

*(insert School address)*

D. The time period within which the records access appeals officer must decide an appeal shall commence upon receipt of a written appeal specifying:

- (1) the records to which the requester was denied access;
- (2) whether the denial of access was in writing or due to failure to provide records promptly as required by section 4(D); and
- (3) the name and return address of the requester.

E. Pursuant to POL § 89.4, the records access appeals officer shall:

- (1) fully explain in writing the reasons for further denial or provide access to the records to the requester within 10 business days of receipt of the appeal; and
- (2) cause to be transmitted to the Committee on Open Government a copy of each appeal received. The Committee on Open Government, which is a division of the New York State Department of State, is located at 41 State Street, Albany, New York 12231.

F. The records access appeals officer shall inform in writing the appellant and the Committee on Open Government of its determination.

6. Fees

- A. No fee will be charged for inspection of records, search for records, or any certification of records pursuant to FOIL.
- B. For requests involving 10 pages or more of records, a copying fee of 25 cents per photocopy page will be charged.

7. Public notice

A notice containing the name and address of the records access officer and the name and address of the records appeals officer, along with the location where records can be seen or copied, will be posted in a conspicuous location where School records are stored