



**Policy Name:** Freedom of Information Law (FOIL) Compliance

**Policy Number:** B-7

**Functional Area(s) Responsible:** College President

**Owner(s) of Policy:** College President

**Most Recent BOT Approval Date:** May 2010

**Most Recent Review Date:** Spring 2023

**Most Recent Review/Revision Type:** none minor/non--

**Applicability of Policy:**

All members of the College community should be familiar with this policy.

**Definitions:**

None

**Related Documents:**

- NY Public Officers Law, Article 6 (Freedom of Information Law)
- NYS Education Department Regulations, 8 NYCRR Part 311
- FLCC Availability of Policies and Procedures for Review policy

**Procedures:**Procedure for responding to record requests

The Records Access Officer shall respond to requests for access to records under FOIL in accordance with the following procedures:

- 1) Requests for records may be verbal or in writing and must reasonably identify the records sought. Wherever possible, the individual requesting records should supply any information that will assist in locating the record.
- 2) The Records Access Officer will respond to all requests within five business days as required by law. The response will be in writing and will indicate either (a) that the request is being granted or denied, or (b) an approximate anticipated date when the request will be granted or denied and a statement, where appropriate, that access to the record will be determined in accord with FOIL's provisions allowing a party who submits records to a state agency to request that the record not be disclosed. Wherever reasonably possible, the College will grant access to a record within five business days.
- 3)

- 2) Records that, if disclosed, would result in an unwarranted invasion of personal privacy. This category includes: employment, medical or credit histories or personal references of applicants for employment; items involving the medical or personal records of a client or patient in a medical facility; lists of names and addresses if such lists would be used for commercial or fund-raising purposes; 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 College; disclosure of information of a personal nature reported in confidence to the College and not relevant to the ordinary work of the College; and information of a personal nature contained in a workers' compensation record, except as permitted under the New York State Workers' Compensation Law.
- 3) Records that, if disclosed, would impair present or imminent contract awards or collective bargaining negotiations.
- 4) Records that constitute trade secrets or are submitted to the College 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. Any commercial enterprise that wishes to request that materials it has submitted to the College be exempt from disclosure under this provision must request such an exemption in writing at the time it submits the relevant materials to the College, in accordance with instructions to be furnished by the Records Access Officer. A College employee who is notified of a commercial enterprise's desire to submit such a request shall work with the Records Access Officer to facilitate the appropriate designation.
- 5) Records that are compiled for law enforcement purposes and which, if disclosed, would: interfere with law enforcement investigations or judicial proceedings; deprive a person of a right to a fair trial or

Finger Lakes Community College  
Office of the President  
3325 Marvin Sands Drive  
Canandaigua, NY14424

- 3) The President will transmit copies of all appeals to the NYS Committee on Open Government immediately upon receipt:

NYS Committee on Open Government  
Department of State  
162 Washington Avenue  
Albany, NY 12231

- 4) The President will decide appeals and set forth the reasons for the denial in writing within ten days of receiving the complete appeal.
- 5) The President will transmit his/her determination, in writing, to the Committee on Open Government immediately after rendering the determination.

**Forms/Online Processes:**

Although the College is not required to provide online services, the College provides the following online records at the discretion of each office responsible for maintaining the records:

- Annual Reports and Strategic Plans (current only)
- President's Cabinet Membership (internal site only)
- College Council Membership and Meeting Minutes (internal site only)
- Diversity Steering Committee Membership
- Presidential Updates

**Appendix:**

None