



**South Bronx Early College Academy Charter School
January 28, 2015**

FOIL Policy

The South Bronx Early College Academy Charter School (SBECA) shall be subject to the Article 6 of the New York Public Officers Law, pursuant to Education Law § 2854(1)(e).

Requests for public information must be in writing and submitted to SBECA's Records Access Officer who shall be designated by the Principal/Chief Academic Officer. Upon the receipt of a request for School records and information, the request will be responded to in the following manner: Within five business days of receipt of a written request, the Charter School will, depending on the requested information, either make the information available at the SBECA's principal location during normal business hours to the person requesting it, deny the request in writing, or provide a written acknowledgment of receipt of the request that supplies an approximate date for when a decision will be made to either deny or grant the request.

If the person requesting information is denied access to a record, he or she may, within 30 days, appeal such denial to the Principal/Chief Academic Officer or his or her designee (such designee shall not be the same as the person designated as the School Records Access Officer). Upon timely receipt of such an appeal, SBECA will, within 10 business days of the receipt of the appeal, fully explain, in writing, the reasons for further denial or provide access to the record(s) sought. SBECA also will forward a copy of the appeal, as well as its ultimate determination, to the New York State Committee on Open Government.

In the event an appeal for records is denied, the person requesting the information may bring a proceeding for review of such denial pursuant to Article 78 of the Civil Practice Law and Rules.

The Charter School may deny access to requested records for one or more of the following reasons, as per NYS Freedom of Information Law, Public Officers Law, Article 6, Section 87(2)(a-i):

- “(a) are specifically exempted from disclosure by state or federal statute;
- (b) if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eighty-nine of this article;
- (c) if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
- (d) are trade secrets or are submitted to an agency 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) 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 disclosed could endanger the life or safety of any person;
- (g) are inter-agency or intra-agency materials which are not:
 - i. statistical or factual tabulations or data;
 - ii. instructions to staff that affect the public;
 - iii. final agency policy or determinations; or
 - iv. external audits, including but not limited to audits performed by the comptroller and the federal government; or
- (h) are examination questions or answers which are requested prior to the final administration of such questions;
- (i) if disclosed, would jeopardize the capacity of an agency or an entity that has shared information with an agency to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures.” (<http://www.dos.ny.gov/coog/foil2.html#s87> - January 28, 2015)

SBECA shall maintain: a record of the final vote of each trustee in every proceeding in which the trustees vote; a record setting forth the name, public office address, title and salary of every officer or employee of the education corporation; and a reasonably detailed current list, by subject matter, of all records in the SBECA’s custody or possession.

SBECA may charge a copying fee for each page of information or records copied as per request. The fee can be no more than the fee allowed by State law and in full compliance with NYS Freedom of Information Law, Public Officers Law, Article 6, Section 87(1)(c)(i-iv)