



WARREN COUNTY LOCAL DEVELOPMENT CORPORATION
POLICY and PROCEDURES ON FREEDOM OF INFORMATION LAW (FOIL) REQUESTS
Policy No. 14

I. Purpose and Legislative Declaration

The Freedom of Information Law ("FOIL") (Public Officers Law §87 et. Seq.) allows members of the public access to records of government agencies. The law defines "record" as "any information kept, held, filed, produced, or reproduced by, with or for an agency or the State Legislature, in any physical form whatsoever. ." (Section 86(4)). Records include media types such as tape or voice recordings, microfilm, video, documents, and computer discs. Exemptions include items that may put personal privacy or state or national security at risk or may hinder an open investigation.

II. Designation of Records Access Officer

The Corporation shall designate a Records Access Officer (or "FOIL Officer") to ensure the proper administration of this policy. This officer is responsible for:

- Maintaining a reasonably detailed current list by subject matter of all records in the possession of the agency.
- Ensuring appropriate agency response to public requests for records

III. Procedures for Requesting Records

1. Written Requests: All requests to inspect or copy records must be made via mail to: Records Access Officer, 11 South Street, Suite 201, Glens Falls, NY 12801 or via email to LDCfoil@edcwc.org.

2. Description of Records: The requesting party shall adequately describe the record sought and, whenever possible, provide dates, file designations, or other identifying information.

3. Contact Information: Applicants should include their phone number, email, and mailing address to facilitate communication.

4. No Obligation to Create Records or Answer Questions:

FOIL applies only to existing records maintained by the agency and does not require the agency to respond to inquiries, answer questions, provide interpretations or explanations, or create records that do not already exist. If the agency has the ability to retrieve or extract data from its electronic systems with reasonable effort, the agency shall do so.

5. In Person: Provided that all reviews of records are made by appointment to the Records Access Officer, records shall be available for public inspection and copying at: 11 South Street, Suite 201, Glens Falls, NY 12801 – Mon-Fri 9am-3pm.

IV. Agency Response Timeline

- **Initial Response:** Within five (5) business days of receiving a written request, the Corporation must either make the record available, deny the request in writing, or furnish a written acknowledgment of receipt with an approximate date for the granting or denial of the request.
- **Delayed Access:** If the agency determines that it will grant a request in whole or in part but cannot do so within twenty (20) business days of the acknowledgment, it must state the reason and a certain date within a reasonable period when the request will be granted.

V. Fees for Records

- **Standard Photocopies:** A fee of \$0.25 per page may be charged for copies not exceeding 8 ½ x 14”.
- **Actual Cost of Reproduction:** For records other than standard photocopies, the fee is based on the actual cost of reproduction, which may include the cost of storage devices (e.g., USB drives).
- **Employee Time:** No fee shall be charged for search time or administrative costs unless at least two hours of agency employee time is needed to prepare the copy. In such cases, the agency may charge the hourly salary of the lowest-paid employee with the necessary skill to perform the task.

VI. Exemptions from Disclosure

The Corporation may deny access to records or portions thereof that:

- Are specifically exempted by state or federal statute.
- Would constitute an unwarranted invasion of personal privacy if disclosed.
- Would impair present or imminent contract awards or collective bargaining negotiations.
- Are trade secrets or would cause substantial injury to the competitive position of a commercial enterprise.
- Are inter-agency or intra-agency materials that are not statistical data, instructions to staff affecting the public, or final agency policies/determinations.

VII. Denials and Appeals

1. **Written Denial:** Any denial of access must be in writing, explaining the reasons for the denial.
2. **Right to Appeal:** Any person denied access to a record may, within thirty (30) days, appeal in writing to the head or governing body of the Corporation: WCLDC CEO, 11 South Street, Suite 201, Glens Falls, NY 12801 or via email to LDCfoil@edcwc.org.
3. **Appeal Decision:** The body designated to hear appeals must, within ten (10) business days of receipt, explain in writing the reasons for further denial or provide access to the records. The agency must also forward a copy of the appeal and the ensuing determination to the Committee on Open Government.

Approved and Adopted by the WCLDC Board of Directors on _____