

Village of Hastings-on-Hudson FOIL Policy
Adopted August 16, 2022

Section 1. Purpose and scope:

- A. New York State Public Officers Law Article 6 (sections 84-90) (known as the Freedom of Information Law, or “FOIL”) governs accessibility of public records in the Village. Section 87 thereof requires that agencies subject to FOIL, including municipal governments, adopt rules and regulations pertaining to the availability of records and procedures to be followed to obtain such records. This policy is being promulgated in satisfaction thereof.
- B. The Village, through its records access officer, shall furnish to the public the information and records required by FOIL.
- C. Any conflicts among laws governing public access to records shall be construed in favor of making public records available.

Section 2. Designation of records access officer:

- A. The Village of Hastings-on-Hudson is responsible for ensuring compliance with the regulations herein, and designates the following person(s) as Records Access Officer(s):

Village Clerk
7 Maple Avenue
Hastings-on-Hudson, NY 10706

- B. The records access officer is responsible for ensuring an appropriate Village response to public requests for access to records in accordance with FOIL.

The records access officer shall:

- 1) Correspond with the person(s) seeking records (the “requestor”) on behalf of the Village. This may include, but is not limited to:
 - i. When a request is voluminous or when locating the records involves substantial effort, contacting the requestor to ascertain what records are of primary interest to them in an attempt to reasonably reduce the volume of records requested and clarify the request.
- 2) Upon locating the records, if any, take one of the following actions:
 - i. Make records available to the requestor; or,
 - ii. Deny access to the records in whole or in part and explain in writing the reasons therefor.
- 3) Upon request for copies of records:

- i. Make a copy available upon payment or upon agreement to pay established fees, if any, in accordance with Section 8; or,
 - ii. Permit the requester to copy those records.
- 4) Upon request, certify that a record is a true copy; and
- 5) Upon failure to locate records, inform the requestor that:
 - i. No such records exist in the Village's possession;
 - ii. The Village of Hastings-on-Hudson is not the custodian for such records;
or
 - iii. The records of which the Village of Hastings-on-Hudson is a custodian cannot be found after diligent search.

Section 3. Location:

Records shall be available for public inspection and copying at:

Village Clerk's Office
7 Maple Avenue
Hastings-on-Hudson, NY 10706

Section 4. Hours for public inspection:

Requests for public access to records shall be accepted and records produced during all hours that Village Hall is regularly open for business. These hours are:

Monday – Friday: 8:30 AM – 4 PM, except for public holidays

Section 5. Requests for public access to records:

- A. A written request is required, preferably using the FOIL Request Form approved by the Village Manager and available on the Village [website](#). Oral requests will not be accepted.
- B. If records are maintained on the Village website or in other publicly accessible location, the requester shall be informed where the records may be accessed.
- C. A response shall be given within five business days of receipt of a request by:
 - 1) informing a person requesting records that the request or portion of the request does not reasonably describe the records sought;
 - 2) granting or denying access to records in whole or in part;

- 3) acknowledging the receipt of a request in writing, noting that the Village is working to identify and review records responsive to the request, and informing the requestor that the Village will issue an additional response within twenty business days of the acknowledgement letter.
- D. If the receipt of request was acknowledged in writing pursuant to subdivision C(3) of this section, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the requestor may expect a response detailing the extent to which the request will be granted or denied, or whether additional time is needed.
- E. In determining a reasonable time for granting or denying a request under the circumstances of a request, the Records Access Officer shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the Village, staffing levels within the Village, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.
- F. If a request seeks lists of names and addresses, the Village may require the requestor to submit a written certification that such records will not be used for solicitation or fund-raising, and will not be sold, given, or otherwise be made available to any other person for purposes of solicitation and fundraising.
- G. Failure to comply with the time limitations described herein constitutes a denial of a request that may be appealed.

Section 6. Subject Matter List

- A. The [Retention and Disposition Schedule for New York State Local Government Records \(LGS-1\)](#) shall be the official subject matter list for Village records.

Section 7. Denial of access to records:

- A. Denial of access to records (in whole or in part) shall be in writing stating the reason therefor and advising the requester of the right to appeal to the individual designated below to determine appeals
- B. If requested records are not provided promptly, as required in Section 5 of this Policy, such failure shall also be deemed a denial of access.
- C. The following person shall determine appeals regarding denial of access to records under the Freedom of Information Law:

Village Manager
Hastings-on-Hudson Municipal Building
7 Maple Avenue
Hastings-on-Hudson, NY 10706
914-478-3400
villagemanager@hastingsgov.org

- D. Any person denied access to records may appeal within thirty days of a denial.
- E. The time for deciding an appeal by the individual designated to determine appeals shall commence upon receipt of a written appeal identifying:
 - (1) the date of the requests for records;
 - (2) a description, to the extent possible, of the records that were denied; and
 - (3) the name and return address of the person denied access.
- F. A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.
- G. The Village shall transmit copies of all appeals to the Committee on Open Government upon receipt thereof. Such copies shall be addressed to:

Committee on Open Government
Department of State
One Commerce Plaza
99 Washington Avenue, Suite 650
Albany, NY 12231
coog@dos.ny.gov
- H. The person designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth subdivision (G) of this section.

Section 8. Fees:

- A. Fees for copies may be charged at 25 cents per page for photocopies not exceeding 9 by 14 inches. The fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction.
- B. The fee the Village may charge for a copy of any other record is based on the actual cost of reproduction and may include the following:

- (1) an amount equal to the hourly salary attributed to the lowest paid Village employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so;
- (2) the actual cost of the storage devices or media provided to the person making the request in complying with such request; and
- (3) the actual cost to the Village of engaging an outside professional service to prepare a copy of a record, but only when the Village's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.

C. There shall be no fee charged for:

- (1) a requestor's in-person inspection of records; or
- (2) time spent searching for records or administrative costs.

D. When the Village has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the Village shall be required to retrieve or extract such record or data electronically. In such case, the Village may charge a fee in accordance with paragraphs (B)(1) and (2) above.

E. The Village shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an Village employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.

F. The Village may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.

G. The Village may waive a fee in whole or in part when making copies of records available.

Section 9. Severability:

If any provision of this Policy or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this Policy or the application thereof to other persons and circumstances.