
Release of Records

701.1 PURPOSE AND SCOPE

This policy establishes guidelines for the public to inspect and obtain copies of public records.

701.2 POLICY

The South Salem Fire District is committed to providing public access to records consistent with the New York State Freedom of Information Law (Public Officers Law § 85 et seq.).

701.3 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any member or employee who receives a request for records shall route the request to the Records Access Officer or the authorized designee.

701.3.1 REQUESTS FOR RECORDS

The processing of requests for records is subject to the following (Public Officers Law § 87; Public Officers Law § 89):

- (a) A request for records shall be in writing and reasonably describe the records requested.
 - 1. Requests shall also be accepted by electronic mail and responded to by electronic mail provided that the written request does not seek a response in some other form.
- (b) The District is not required to create records which do not exist, except those records specified in Public Officers Law § 87(3).
- (c) A request for records shall be responded to within five business days of receipt of the request by:
 - 1. Making the record available.
 - 2. Denying the request by written notice that includes the reason for denial.
 - 3. Furnishing a written acknowledgement of the request and providing a reasonable date the request will be granted or denied, including, where appropriate, that access will be determined in accordance with Public Officers Law § 89(5).
 - (a) If a request is to be granted in whole or part and circumstances prevent disclosure of the record within 20 business days from the date of acknowledgement, the District shall provide the requester a written statement of the reason for the inability to grant the request and a date certain within a reasonable period when the request will be granted in whole or in part.
- (d) Requests that are not complied with in the described time limitations will be considered a denial and subject to an appeal.

Release of Records

- (e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 - 1. A copy of the redacted release should be maintained as evidence of what was actually released and should document the reasons for the redactions.
- (f) Records shall be provided on the medium requested by the requester if the District can reasonably make a copy or a copy can be made by engaging an outside professional service.
- (g) Upon request, certification shall be provided in the following circumstances:
 - (a) The District ensures that the copy of the record is correct.
 - (b) The District does not have possession of the record.
 - (c) The record cannot be found after a diligent search.

701.3.2 APPEAL OF DENIALS

When a record request is denied, the requester may appeal the determination to the Board of Fire Commissioners within 30 days. The notice of the appeal shall be routed to the Records Access Officer and the Board of Fire Commissioners. The District shall have the burden of proving that the denial was subject to one of the exemptions pursuant to Public Officers Law § 87(2).

A detailed written response to the appeal shall be provided to the requester within 10 business days explaining the reasons for further denial or that access will be provided to the record. A copy of the appeal and written determination shall be immediately forwarded to the Committee on Open Government (Public Officers Law § 89(4)).

701.4 RELEASE RESTRICTIONS

Examples of records with release restrictions include (Public Officers Law § 87(2); Public Officers Law § 89(2)):

- (a) Pre-Hospital Care Reports (PCRs) (45 CFR 164.502)
- (b) Information in personnel or similar files that would be an unwarranted invasion of personal privacy.
- (c) Records pertaining to pending litigation (CPLR § 3101).
- (d) Legal opinions (CPLR § 3101).
- (e) Arson investigations.
- (f) Examination questions or answers that are requested prior to the final administration of such questions.
- (g) Interagency or intra-agency memoranda that are not statistical or factual tabulations or data; instructions to members that affect the public; final agency policy or determinations; or external audits, including, but not limited to, audits performed by the comptroller and the federal government.

South Salem Fire District

South Salem Fire District Policy Manual

Release of Records

- (h) Records of complaints to or investigations conducted by the South Salem Fire District for law enforcement purposes.
- (i) Records where disclosure is exempt or prohibited pursuant to provisions of federal or state law, including, but not limited to, rules of evidence relating to privilege.
- (j) Records that would jeopardize the security of the District computer system.
- (k) Records that would endanger the life or safety of any person.
- (l) Records that would impair present or imminent contract awards or collective bargaining negotiations.
- (m) Protected personal information contained in disciplinary records (Public Officers Law § 87(4-a); Public Officers Law § 87(4-b); Public Officers Law § 89(2-b); Public Officers Law § 89(2-c)).