

## QUESTAR III RECORDS

### I. Freedom of Information Law

It is the policy of the Questar III Board to make records available to the members of the public in accordance with the Freedom of Information Law (FOIL) of the State of New York.

The District Superintendent shall develop and implement regulations that assure compliance with FOIL and that govern the procedures to be followed in order to obtain access to records. Upon recommendation of the District Superintendent the Board shall appoint a records access officer and a records management officer.

### II. Retention and Destruction of Records

The Questar III Board hereby adopts as policy the Records Retention and Disposition Schedules as promulgated by the Commissioner of Education, setting forth the minimum length of time school district records must be retained.

ADOPTED 6/3/04  
Revised: 10/07/08

## QUESTAR III RECORDS REGULATIONS

The following constitutes the rules and regulations of Questar III relating to the inspection and copying of records:

### I. Designation of Officers

- A. The Records Access Officer(s) and Records Management Officer shall be appointed by the Questar III Board at its organizational meeting.
- B. The Records Access Officer(s) are responsible for receiving and responding to requests for records of Questar III, and to make such records available for inspection or copying when such requests are granted.
- C. The Records Management Officer shall direct and oversee a program for the orderly and efficient management of Questar III's records.
- E. The Records Management Officer shall compile and maintain a detailed current list, by subject matter, of all records in the possession of the Board, whether or not available to the public. The Records Management Officer shall provide such current list to the Records Access Officer(s).

### II. Definition of Records

- A. A record is defined as any information kept, held, filed, produced, or reproduced by, with, or for Questar III in any physical form whatsoever, including but not limited to reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photographs, letters, microfilms, computer tapes or disks, rules, regulations, or codes.
- B. In addition to any other records it may maintain, Questar III shall compile and maintain the following records:
  - 1. a record of the final vote of each member of the Board on any proceeding or matter on which the member votes;

2. a record setting forth the name, school or office address, title, and salary of every officer or employee of Questar III. Such records shall be made available for inspection under the supervision of the Records Access Officer; and
  3. a detailed current list by subject matter of all records in possession of the Questar III, whether or not available for public inspection and copying.
- C. No record for which there is a pending request for access may be destroyed. Nevertheless, nothing in these regulations shall require Questar III to prepare any record not possessed or maintained by it except the records specified in B., above.

III. Access to Records

- A. Time and Place Records May Be Inspected: Records may be requested from, and inspected or copied at, the Office of the Records Access Officer from 8:00 AM to 3:00 PM on any business day on which the Questar III offices are open. The Records Access Officer may require that an appointment be made for inspecting or copying any records requested under these regulations or the policy they implement.
- B. Fees: The fee for documents up to 9 x 14 inches is twenty-five cents (\$0.25) per page. For documents larger than 9 x 14 inches, tape or cassette records, computer print-outs, or records in any other formats, the cost shall be based on the actual cost of reproduction as to include and be determined as follows:
1. an amount equal to the hourly salary attributed to the lowest paid Questar III employee who has the necessary skill required to prepare a copy of the requested records when more than two hours of employee time is required to prepare the copies;
  2. the actual cost of the storage devices or media provided to the person making the request in complying with the request; and
  3. the actual cost to Questar III of engaging an outside professional service to prepare a copy of a record when Questar III's information technology equipment is not adequate to prepare the copy;
- . No fee shall be charged for search or inspection of records, certification of documents, or copies of documents that have been printed or reproduced for distribution to the public. The number of such copies given to any one

organization or individual may be limited, at the discretion of a Records Access Officer.

- C. Procedures: Requests to inspect or secure copies of records shall be submitted in writing, either in person, by mail, or by electronic mail to a Records Access Officer of Questar III. Requests must describe the records sought with reasonable sufficiency. Requested records that have not been inspected by the party making the request within ten (10) working days of their production may be returned to storage by Questar III.

- D. Time for Response: Requests for reasonably described information shall be responded to within five (5) business days of their receipt by either (i) making the records available; (ii) denying the request; or (iii) furnishing a written acknowledgement of the receipt of the request and a statement of the approximate date, which shall be reasonable under the circumstances, when such request will be granted or denied. If Questar III determines to grant the request in whole or in part and circumstances prevent disclosure of the records within 20 business days from the date of the acknowledgement of the receipt of the request, Questar III shall provide, in writing, the reason disclosure cannot be granted within twenty (20) business days and provide a date certain when disclosure will be granted. Such date must be reasonable under the circumstances, considering such matters as the volume of records requested, the complexity of the request, the number of offices or files that must be searched in order to comply with the request, the obligation to review records to determine rights of access, and any other reasonable considerations.
- E. Denial of Access: When a request for access to a public record is denied, a Records Access Officer shall indicate in writing the reasons for such denial, and the right to appeal.
- F. Appeal: An applicant who is denied access to a public record may file an appeal by delivering a copy of her/his request and a copy of the denial of that request to the District Superintendent within thirty (30) days after the denial from which such appeal is taken.
- G. Notice to Appellant and Committee on Open Government: The appeal shall be submitted to the District Superintendent for decision. The applicant and the New York State Committee on Open Government will be informed in writing of the District Superintendent's determination within ten (10) business days of receipt of an appeal. The Board Clerk shall transmit to the Committee on Open Government photocopies of all appeals and determinations.
- H. Electronic Mail: Requests for records submitted by electronic mail shall be responded to by electronic mail unless the requester seeks a response in some other form.
- I. Medium: Records will be provided in the medium requested provided Questar III can reasonably make the copy or have such copy made by engaging an outside professional service.
- J. Lists of Names: In the event a request for a list of names and addresses is requested and may be provided, the Records Access Officer shall require the

person requesting the records to provide a written certification that such person will not use such lists of names and addresses for solicitation or fund-raising purposes and will not sell, give or otherwise make available such lists of names and addresses to any other person for the purposes of allowing that person to use such lists of names and addresses for solicitation or fund-raising purposes.

- K. Electronic Records: When records are maintained in a computer storage system and may be retrieved or extracted from such system than manual retrieval from non-electronic records, Questar III shall retrieve or extract the record electronically. Programming necessary to retrieve such a record is not deemed the preparation or creation of a new record and therefore must be provided.

#### IV. Records Exempted from Public Access

The provisions of this regulation relating to information available for public inspection and copying shall not apply to records, or portions of records, that:

- A. are specifically exempted from disclosure by state or federal statute;
- B. if disclosed would constitute an unwarranted invasion of personal privacy;
- C. if disclosed would impair present or imminent contract awards or collective bargaining negotiations;

- D. are trade secrets, or have been submitted or derived 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 that, if disclosed, would:
  - 1. interfere with law enforcement investigations or judicial proceedings;
  - 2. deprive a person of a right to a fair trial or impartial adjudication;
  - 3. identify a confidential source or disclose confidential information relating to a criminal investigation; or
  - 4. reveal criminal investigative techniques or procedures, except routine techniques or procedures;
- F. records that, if disclosed, would endanger the life or safety of any person;
- G. records that are inter-agency or intra-agency communications, except to the extent that such materials consist of:
  - 1. statistical or factual tabulations of data;
  - 2. instructions to staff that affect the public;
  - 3. final Questar III policy or determinations; or
  - 4. external audits, including but not limited to audits performed by the New York State Comptroller or the federal government;
- H. records that are examination questions or answers that are requested prior to the final administration of such questions; or
- I. records that, if disclosed, would jeopardize Questar III's capacity to guarantee the security of its information technology assets, including both electronic information systems and infrastructures.

V. Prevention of Unwarranted Invasion of Privacy

In order to prevent an unwarranted invasion of personal privacy, the Records Access Officer may delete certain details when records are made available to the public. An unwarranted invasion of personal privacy includes, but shall not necessarily be limited to, the following:

- A. disclosure of information of a personal nature reported in confidence to Questar III and not relevant to the ordinary work of Questar III;
- B. disclosure of employment, medical, or credit histories or personal references of applicants for employment, unless the applicant has provided a written release permitting such disclosures;
- C. sale or release of lists of names and addresses in the possession of Questar III if such lists would be used for solicitation, or fund-raising purposes;
- D. disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such records are not relevant to the work of Questar III; or
- E. disclosure of items involving the medical or personal records of a client or patient in a hospital or medical facility.
- F. disclosure of information of a personal nature contained in a workers' compensation record, except as provided by section 110-a of the Workers' Compensation Law.

Unless otherwise deniable, disclosure shall not be construed to constitute an unwarranted invasion of personal privacy when identifying details are deleted, when the person to whom records pertain consents in writing to disclosure, or when, upon presenting reasonable proof of identity, a person seeks access to records that pertain to the person making the request for access.



QUESTAR III  
REQUEST FOR RECORDS FORM

**I request** (please check):

☐ An appointment to view the following records

☐ Copies of the following records

Please describe records requested [include as much detail about the record as possible, such as relevant dates, names, descriptions, etc.]:

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Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

If electronic copies are requested, email address: \_\_\_\_\_

*Requests for copies of records and requests to inspect records must be made in writing and be delivered by hand, by mail, or by electronic mail to the Records Access Officer:*

*Susan M. DiDonato  
Questar III Records Access Officer  
10 Empire State Boulevard  
Castleton, New York 12033*

*email: records@questar.org*

Fees: If copies are requested, the following fees apply:

For records in paper format not exceeding 9 inches x 14 inches: \$0.25 per page

For records in paper format larger than 9 inches x 14 inches or records maintained in any other format: actual cost of reproduction.

You will be informed of the actual or estimated cost of providing the records before copies are made.

Appeals: You have a right to appeal a denial of request to inspect or copy records. Appeals must be submitted in writing within 30 days after the date of the denial of records to:

Office of the District Superintendent  
10 Empire State Boulevard  
Castleton, New York 12033