



PUBLIC ACCESS TO RECORDS (FOIL) POLICY

In the United States, the “*basic right to know the process of government*” was established through the “Freedom of Information Law” [*Public Officers Law, Article 6, Section 84-90*] also known as **FOIL**. This law allows the public to have access to **records of government** as pertains to decision-making as well as to review documents and statistics leading to determinations. (For more information about FOIL search “Public Officers Law, Article 6” or go to <http://www.dos.ny.gov/coog/foil2.html>.)

As public entities, all public schools, including charter schools, are required to ensure compliance in accordance with the **Freedom of Information Law (FOIL)** of the State of New York, **although under FERPA, student records are NOT PUBLIC RECORDS.**

In its broad definition, “**Records**” refers to **information existing in any physical form whatsoever that are kept, held, filed, produced or reproduced with or for an agency, i.e., governmental entity.** Under FOIL, the requested information must be a pre-existing record, as public schools are not required nor obligated to “**create**” new documents for the record.

The following is a list of the kinds of **PUBLIC RECORDS** that **can be accessed through FOIL:**

Reports	Manuals	Computer tapes
Statements	Pamphlets	Computer discs
Examinations	Form	Rules
Memoranda	Papers	Regulations
Opinions	Drawings	Codes
Folders	Maps	Designs
Files	Letters	
Books	Microfilms	

Fees for copies of records are as follows:

- Photocopying costs of \$0.25 per page –paper size not to exceed 8.5 x 14 inches; OR
- The actual cost of reproducing any other record that cannot be photocopied;
- No fees may be charged for records transmitted by email.