



## 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 \$1.00 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.