

Hamilton County IDA Freedom of Information Law (FOIL) Policy

Introduction

The Hamilton County Industrial Development Agency is subject to New York State's Freedom of Information Law (FOIL). The purpose of this law is to allow the public access to records used in establishing public policy or decision making.

What is a 'Record'?

A record is any information kept by the agency in any physical form whatever. In addition to paper records this includes:

- CDs, computer discs and other electronic media;
- Audio and video tape recordings; and
- Emails, charts, maps and photographs.

While the HCIDA is not required to prepare new records to comply with this law, the agency is required to provide information from its existing records in the form requested if it has the ability to do so.

What Records are Accessible under FOIL?

As a practical matter, records are accessible unless they fall under one of the exclusions set out in Public Officers Law Article 6. Those most applicable to HCIDA are:

- Disclosure would result in an unwarranted invasion of personal privacy (unless deletion of identifying information is possible, the person involved consents or the person involved seeks records relating to him/herself);
- Disclosure of trade secrets would cause substantial injury to the competitive position of the involved company; or
- Intra-agency memoranda (other than instructions to staff that affect the public) and draft/non-final determinations of the agency.

HCIDA is required to maintain the following records:

- A record of any abstention or "No" vote for an action item at each meeting. As a practical matter this should be included in the minutes to each board and committee meeting.
- A list of the names, public office address, title and salary (at the present time not applicable) of every officer and staff member of the agency.
- A detailed list of the subject matter of all records in the possession of the agency.

Records Access Officer

HCIDA has designated its Executive Director as the records access officer for the purposes of FOIL. The records access officer has the duty of coordinating the agency's response to public request for records.

Requests for Access to OCIDA Records

Requests for HCIDA records shall be made to HCIDA Executive Director c/o PO Box 57, Lake Pleasant NY 12108. Unless copies are requested in the written request, records shall be made available for inspection pursuant to FOIL during the regular office hours of the Hamilton County Office of Planning, Tourism and Community Development. Copies of HCIDA

documents produced pursuant to a FOIL request shall be provided upon pre-payment of \$.25 per page copied for up to 9x14 inch documents, or the actual cost of reproducing any other record, except when a different fee is otherwise prescribed by statute.

HCIDA must respond in writing to requests for information within five business days of receipt by either:

- Making the record available;
- Denying access, writing giving the reason(s) for the denial; or
- Acknowledge the request and state the approximate date when the request will be granted (normally within 20 days from the date of acknowledgement unless otherwise stated in writing).

Vote: __6__YES __1__Absent

Adopted __February 28, 2013__