



FREEDOM of INFORMATION LAW (FOIL) POLICY

This policy is for application to those libraries within the City of Buffalo (Central Library and Buffalo Branch Libraries) and Buffalo & Erie County Public Library System functions.

I. Purpose and Scope

This Policy provides information about how members of the public can access records of the Buffalo & Erie County Public Library. This Policy applies to libraries within the City of Buffalo (Central Library and Buffalo Branch Libraries) and Buffalo & Erie County Public Library System functions.

The Buffalo & Erie County Public Library (B&ECPL or Library) will furnish to the public the information and records required to be disclosed by the New York State Freedom of Information Law (Article 6, Sections 84-90, of the Public Officers Law), and other applicable laws. FOIL allows members of the public the right to access government records, with certain exceptions. The full text of the FOIL law, guidance issued by the New York State Committee on Open Government, and other information about the law can be found on the Committee's website, <http://www.dos.ny.gov/coog/index.html>.

II. Designation of Records Access Officers

- A. The Library shall designate an appropriate employee or employees as "Records Access Officers" for B&ECPL, and shall identify the Records Access Officers as such in materials available to the public.
- B. The records access officers are responsible for insuring that B&ECPL appropriately responds to public requests for access to Library records. The designation of records access officers shall not be construed to prohibit other Library officials, including those who may have been authorized to make records or information available to the public in the past, from continuing to do so.

III. Requests for Public Access to B&ECPL Records

- A. All requests for records must be in writing, either in letter format or using B&ECPL's [FOIL Application Form](#). Requests can be:

- Mailed to the Records Access Officer(s) at the following address:

Buffalo & Erie County Public Library
Business Office, FOIL Records Access Officer
1 Lafayette Square, Buffalo, NY 14203; or

- Faxed to (716) 858-7178; or
- E-mailed to the Records Access Officer at LibraryFOILrequests@buffalolib.org

- B. All requests for access to records must include contact information of the requestor, including a telephone number and mailing address.
- C. All requests must include a detailed description of the records that are being sought including, but not limited to, dates, titles, file designations, or any other information that will assist the B&ECPL in locating the requested records.

IV. B&ECPL Response to Requests for Public Records

- A. Within five (5) business days of the receipt of a compliant written request, B&ECPL will:
 1. Make the record available to the requestor;
 2. Furnish a written acknowledgement of the receipt of the request and a statement of the approximate date when the information will be made available; or
 3. Deny access in writing, and state the basis for denying access.
- B. A denial of access to any record will be sent in writing, and will summarize the reason for the denial, and provide information on how to appeal such denial.
- C. If B&ECPL does not respond to a request in accordance with Section IV.A, the request should be considered to have been denied.

V. Appealing a Denial of Access

- A. All appeals of a denial of a request for a B&ECPL record must be submitted in writing within 30 days of the denied request, either in letter format or using B&ECPL's [FOIL Appeal Form](#). An appeal may be

1. Mailed to:

Buffalo & Erie County Public Library
Director's Office, FOIL Appeals Officer
1 Lafayette Square, Buffalo, NY 14203
2. Faxed to (716) 858-7178; or
3. E-mailed to the FOIL Appeals Officer at
LibraryFOILrequests@buffalolib.org.

- B. B&ECPL's FOIL Appeals Officer shall be the Library System Director.
- C. An appeal must include the date of the original FOIL request, a detailed description of the records that are being sought including but not limited to dates, titles, file designations, or any other information that will help the B&ECPL to find the requested records, and the reason provided for the denial.
- D. The B&ECPL FOIL Appeals Officer will independently review the withheld records and the basis for withholding them. The B&ECPL FOIL Appeals Officer will respond in writing to the appealing party within ten (10) business days after the appeal is perfected with his or her determination as to whether the requested records were properly withheld or must be released.
- E. Copies of all appeals and the determinations will be sent by the B&ECPL to the Committee on Open Government pursuant to Section 89(4)(a) of the Public Officers Law.

VI. Fees

- A. The B&ECPL reserves the right to charge the requestor for costs in accordance with Sections 87(1)(b)(iii) and 87(1)(b) and (c) of the Public Officers law.
- B. There shall be no fee charged for merely inspecting or searching for records.

Adopted July 21, 2016, per Resolution 2016-31.
Reviewed by Policy Committee July 18, 2019 - no changes.