

THE HULBERT LIBRARY OF THE TOWN OF CONCORD

FREEDOM of INFORMATION LAW (FOIL) POLICY

I. Purpose and Scope

This Policy provides information about how members of the public can access records of the Hulbert Library of the Town of Concord. This Policy applies to the Hulbert Library only. For information on how to access records of the Buffalo & Erie County Public Library or Buffalo & Erie County Public Library System functions, please refer to the Buffalo & Erie County Public Library Freedom of Information Law (FOIL) Policy which can be found on the B&ECPL Website at

https://www.buffalolib.org/sites/default/files/library-system/policies/FOIL%20Policy%20with%20hyperlinks%20-%20Reviewed%20by%20Policy%20Comm%207_18_19.pdf.

The Hulbert 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 the Hulbert Library, and shall identify the Records Access Officers as such in materials available to the public.
- B. The records access officers are responsible for ensuring that the Hulbert Library 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 the Hulbert Library Records

- All requests for records must be in writing, either in letter format or using the Hulbert Library's FOIL Application Form (Appendix A). Requests can be:
 - Mailed to the Records Access Officer(s) at the following address:
The Hulbert Library of the Town of Concord
18 Chapel St.
Springville, NY 14141; or

- Faxed to (716)592-0399; or
- E-mailed to the Records Access Officer at MorrisJ@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 Hulbert Library in locating the requested records.

IV. Hulbert Library Response to Requests for Public Records

- A. Within five (5) business days of the receipt of a compliant written request, the Hulbert Library 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 the Hulbert Library 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 Hulbert Library record must be submitted in writing within 30 days of the denied request, either in letter format or using Hulbert Library's FOIL Appeal Form (Appendix B). An appeal may be
- Mailed to:
The Hulbert Library of the Town of Concord
18 Chapel St.
Springville, NY 14141; or
 - Faxed to (716)592-0399; or
 - E-mailed to MorrisJ@buffalolib.org

- B. The Hulbert Library's FOIL Appeals Officer shall be a subset of the Hulbert Library's Board of Trustees.
- 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 Hulbert Library to find the requested records, and the reason provided for the denial.
- D. The Hulbert Library's FOIL Appeals Officers will independently review the withheld records and the basis for withholding them. The Hulbert Library's FOIL Appeals Officers 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 Hulbert Library to the Committee on Open Government pursuant to Section 89(4)(a) of the Public Officers Law.

VI. Fees

- A. The Hulbert Library 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.

Approved December 10th, 2020

APPENDIX A

HULBERT LIBRARY OF THE TOWN OF CONCORD
FREEDOM OF INFORMATION LAW (FOIL)
APPLICATION FOR PUBLIC ACCESS TO
RECORDS

MAIL TO: FOIL Records Access Officer
The Hulbert Library of the Town of Concord
18 Chapel St.
Springville, NY 14141

I hereby apply to (1) inspect () OR (2) obtain a copy of () the following record:

Signature

Date

Print Name

() _____
Telephone

Representing

e-mail

Mailing Address

FOR AGENCY USE ONLY

Approved ()

Denied (for the reason(s) checked below)

() Confidential Disclosure

() Part of investigatory files

() Unwarranted invasion of personal privacy

() Record of which the Hulbert Library is legal custodian cannot be found () Record is not maintained by the Hulbert Library

() Exempted by statute other than the Freedom of Information Act

() Other (Specify) _____

Signature

Date

Title

Received by

Date

APPENDIX B

HULBERT LIBRARY OF THE TOWN OF CONCORD

FREEDOM OF INFORMATION LAW (FOIL)

APPEAL REQUEST FORM

MAIL TO: FOIL Appeals Officer
The Hulbert Library of the Town of Concord
18 Chapel St.
Springville, NY 14141

I hereby appeal:

Signature

Date

Print Name

()

Telephone

Representing

e-mail

Mailing Address

Date of Original Request: _____

Records Requested: _____

Reason Provided for Denial: _____

FOR AGENCY USE ONLY

Denial Upheld ()

Signature: _____

Denial Reversed ()

Title: _____

Date: _____