

ITHACA HOUSING AUTHORITY

Policy for Public Access to Records under Freedom of Information Law (FOIL)

(New York State Public Officers Law §§84-90)

January 2018

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Section 1. Purpose and scope:

- (a) The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality.
- (b) These regulations provide information concerning the procedures by which information may be obtained.
- (c) Personnel of the Ithaca Housing Authority (the Authority) shall furnish to the public the information and records required by the Freedom of Information Law (FOIL), as well as records otherwise available by law.
- (d) Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

Section 2. Designation of Records Access Officer:

- (a) The Board of Commissioners of the Authority is responsible for insuring compliance with these regulations, and designates the following person as Records Access Officer:

Confidential Secretary
800 S. Plain St.
Ithaca, New York 14850
Tel.: 607-273-8629, ext. 234
Fax: 607-273-1151

- (b) The Records Access Officer is responsible for insuring appropriate response by the Authority to public requests for access to records. The designation of the Records Access

Officer shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.

- (c) The Records Access Officer shall insure that Authority personnel:
- (i) Maintain an up-to-date subject matter list.
 - (ii) Assist persons seeking records to identify the records sought, if necessary, and, when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.
 - (iii) Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.
 - (iv) Upon locating the records, take one of the following actions:
 - (A) Make records available for inspection; or
 - (B) Deny access to the records in whole or in part, and explain in writing the reasons for that decision.
 - (v) Upon request for copies of records:
 - (A) Make a copy available upon payment or offer to pay established fees, in accordance with Section 8 below; or
 - (B) Permit the requester to copy those records.
 - (vi) Upon request, certify that a record is a true copy.
 - (vii) Upon failure to locate records, certify that:
 - (A) The Authority is not the custodian for such records; or
 - (B) The records of which the Authority is the custodian cannot be found after diligent search.

Section 3. Location:

Records shall be available for public inspection and copying at:

Ithaca Housing Authority Main Office
800 S. Plain Street
Ithaca, New York 14850

Section 4. Hours for public inspection:

Requests for public access to records shall be accepted and records produced during regular business hours of Monday through Friday (excepting holidays) 8:30 a.m. to 4:30 p.m.

Section 5. Requests for public access to records:

- (a) All requests for public access to records must be received in writing.
- (b) If records are maintained on the internet, the requester shall be informed that the records are accessible via the internet and in printed form either on paper or other information storage medium.
- (c) A response shall be given within five (5) business days from the date of acknowledgement of receipt of a request by:
 - (A) Informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;
 - (B) Granting or denying access to records in whole or in part;
 - (C) Acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty (20) business days after the date of the acknowledgment, or, if it is known that circumstances prevent disclosure within twenty (20) business days of such acknowledgment, providing a statement in writing indicating the reason for the inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted or denied in whole or in part;
 - (D) If the receipt of a request was acknowledged in writing and included an approximate date when the request would be granted or denied in whole or in part within twenty (20) business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty (20) business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted or denied in whole or in part.
- (d) In determining a reasonable time for granting or denying a request under the circumstances of the request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the Authority, and similar factors that bear upon the ability to grant access to records promptly and within a reasonable time.
- (e) A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:
 - (A) Fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five (5) business days from the date of the receipt of a request;
 - (B) Acknowledges the receipt of a request within five (5) business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;

- (C) Furnishes an acknowledgment of the receipt of a request within five (5) business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;
- (D) Fails to respond to a request within a reasonable time after the approximate date given or within twenty (20) business days after the date of the acknowledgment of the receipt of a request;
- (E) Determines to grant or deny a request in whole or in part within twenty (20) business days of the acknowledgment of the receipt of a request, but fails to do so, unless the Authority provides the reason for its inability to do so in writing and a date certain within which the request will be granted or denied in whole or in part;
- (F) Does not grant or deny a request in whole or in part within twenty (20) business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted or denied in whole or in part; or,
- (G) Responds to a request, stating that more than twenty (20) business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

Section 6. Subject matter list:

- (a) The Records Access Officer shall maintain a reasonably detailed current list by subject matter of all records in the Authority's possession, whether or not such records are available pursuant to subdivision two of Section eighty-seven of the Public Officers Law.
- (b) The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
- (c) The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.

Section 7. Denial of access to records:

- (a) Denial of access to records shall be in writing stating the reason for the denial, and advising the requester of the right to appeal to the individual established to determine appeals, who shall be identified by name, title, business address and business telephone number.
- (b) If requested records are not provided promptly, as required by Section 5 of these regulations, such failure shall also be deemed a denial of access.
- (c) The following person (the Appeals Officer) shall determine appeals regarding denial of access to records under FOIL:
 - Executive Director
 - 800 S. Plain St., Ithaca, New York 14850
 - Tel.: 607.273.8629 Fax: 607.273.1151
- (d) Any person denied access to records may appeal within thirty (30) calendar days of a denial.
- (e) The time for deciding an appeal by the Appeals Officer shall commence upon receipt of a written appeal identifying:

- (A) The date and location of requests for records;
 - (B) A description, to the extent possible, of the records that were denied; and
 - (C) The name and return address of the person denied access (the appellant).
- (f) A failure to determine an appeal within ten (10) business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.
 - (g) The Appeals Officer shall transmit to the Committee on Open Government (COOG) copies of all appeals upon receipt of appeals. Such copies shall be addressed to:
 - Committee on Open Government
 - Department of State
 - One Commerce Plaza
 - 99 Washington Avenue, Suite 650
 - Albany, New York 12231
 - (h) The Appeals Officer shall inform the appellant and COOG of his or her determination in writing within ten (10) business days of receipt of an appeal. The determination shall be transmitted to COOG in the same manner as set forth in subdivision (g), above.

Section 8. Fees:

- (a) There shall be no fee charged for:
 - (A) Inspection of records;
 - (B) Search for records; or
 - (C) Any certification pursuant to this part.
- (b) Fees for copies may be charged, provided that:
 - (A) The fee for copying records shall be twenty-five cents (\$0.25) per page for photocopies not exceeding nine (9) by fourteen (14) inches;
 - (B) The fee for photocopies of records in excess of nine (9) by fourteen (14) inches shall not exceed the actual cost of reproduction; and
 - (C) The Authority may redact portions of a paper record and do so prior to disclosure of the record by making a photocopy from which proper redactions are made.
- (c) The fee for a copy of any other record is based upon the actual cost of reproduction and may include only the following:
 - (A) An amount equal to the hourly salary attributed to the lowest-paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two (2) hours of the employee's time is necessary to do so; and
 - (B) The actual cost of the storage devices or media provided to the person making the request in complying with the request; or

- (C) The actual cost to the Authority of engaging an outside professional service to prepare a copy of the record, but only when the Authority's information technology equipment is inadequate to prepare a copy, and only if such service is used to prepare the copy.
- (d) When the Authority has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the Authority shall be required to retrieve or extract such record or data electronically. In such case, the Authority may charge a fee in accordance with (c) (A) and (B), above.
- (e) The Authority shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two (2) hours of an Authority employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.
- (g) The Authority may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.
- (h) The Authority may waive a fee in whole or in part when making copies of records available, especially for a government or service agency.

Section 9. Public Notice:

A notice containing the title or name and business address of the Records Access Officer and of the Appeals Officer and the location where records can be seen or copies made shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

Section 10. Severability:

If any provision of these regulations or the application thereof to any person or circumstance is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

**SUBJECT MATTER LIST
ITHACA HOUSING AUTHORITY**

(Issued and prepared Jan. 2018 in conformance with NYS Public Officers Law Sections 84-90)

Manuals

Lead Based Paint
Software Manuals

Standard Procedures and Policies

Accident Policy
Bar-Out Policy
Blood-Borne Diseases Policy
Credit Card Policy & Procedures
Drug-Free Workplace Policy
Section 8 Administrative Plan
Admissions & Continued Occupancy Plan
Administrative Services
Communications
Contract Administration
Emergency Procedures
Financial & Budgetary Procedures
Legal
Equal Opportunity & other Compliance Requirements
Maintenance, Grounds, and Janitorial Procedures
Procurement Policy
Property Management Administration
Safety Procedures
Security Procedures
Tenant Representative Election Material
Smoke-Free Housing Policy

Information Systems

Telephone
Hardware Inventory and Assignments
Specialized Software and Licenses

Building Services

Building Access and Visitor Logs and Security
Fire Safety, Alarm and Sprinkler Maintenance
Vehicle and Travel Records
Building Management Systems and Operation and Maintenance Manuals
Miscellaneous Building Management Contracts
Building Project Files

Construction

Miscellaneous Procurement Records
Contract, Purchase Order and Claims Files
As-Built Drawings and Specifications
Administrative Project Records

Asbestos Abatement Records
Building Permits and Certificates of Occupancy

Human Resources

Administrative Files
Personnel Files
Recruitment Files
Organizational Charts
Collective Bargaining Agreements
Employee Handbook

Other Publications

Bylaws
Public Housing Family Handbook
Business Continuity Plan
Homeownership Program
HCV Program Handbook
News, Events, Brochure, Fliers

Other Records

Board Minutes
Board Calendars
Board Resolutions
Employee Bulletins
Annual Plan
Development Maps
Departmental records
Energy Conservation Measures
Information Technology Systems Records
Telephone Directory
Budget and financial records/memos
Electronic mail
Storage Records
Year-end Audit Files
Management and Other Reports
Retirement System Reports
Unemployment Records
Worker's Compensation Records
Inventory Records
Grants Files
Asset Management Files
Residential Lease Agreement
Press Releases
Utility Bills
Insurance
Capital Projects
Payment in Lieu of Taxes

Ithaca Housing Authority

FREEDOM OF INFORMATION

TO APPLICANT: The completion of this form is voluntary; however, it will facilitate access to records you seek.

1. Please identify the specific records you wish to inspect at the top of the second page of this form. Sign in the appropriate place, and bring the completed form in person or mail to Ithaca Housing Authority, Records Access Officer, 800 S. Plain St., Ithaca, New York 14850.
2. If after inspection of the requested records you would like copies, identify to the Records Access Officer the specific records to be copied. Make check or money order payable to the Ithaca Housing Authority for copies reproduced.
3. If you are denied access to records or portions of records, you may submit a written appeal to the Ithaca Housing Authority, Records Appeals Officer, 800 S. Plain St., Ithaca, New York 14850. Such appeal has to be made within thirty (30) calendar days after you receive the denial. For denials of access to records containing trade secrets, such appeal must be made within seven (7) business days of receipt of written notice of the denial of access. When filing your appeal, please attach a copy of this form showing the "Records Denied" portion completed. The Ithaca Housing Authority Appeals Officer will evaluate the appeal and respond to you in writing within ten (10) business days after receipt of the appeal.

TO THE IHA RECORDS ACCESS OFFICER:

1. Conduct search for records:
 - a. If records requested for inspection are not in the custody of IHA, advise the applicant, if possible, as to the identity and location of the proper custodian.
 - b. If records are found, determine accessibility.
2. After determination of accessibility:
 - a. If accessible, make available to applicant for inspection.
 - b. If not accessible, complete "Records Denied" portion of this form, stating the reason for denial. Make and retain one copy of completed form, and give original to applicant.
3. If applicant desires copies, collect total cost from applicant, and make copies. Originals must always remain in the custody of the Records Access Officer.
4. If you are not able to respond to a request within five (5) business days, acknowledge receipt of the request in writing by the fifth business day and estimate when your final response will be made.

APPLICATION FOR ACCESS TO RECORDS

TO THE ITHACA HOUSING AUTHORITY:

I hereby apply to inspect the following records under the provisions of the Freedom of Information Law:

After inspection, if I would like copies of all or part of the records inspected, I will identify the records to be copied and hereby offer to promptly pay the established fees. Cost of reproduction of \$.25 per page (up to 9 by 14 inches) is applicable. Contact me if the cost will exceed \$ _____.

Name (print): _____

Telephone: _____

Attention of: _____

Mailing Address: _____

Signature: _____ Date: _____

TO THE APPLICANT:

• **Records Provided**

_____ The reproduction costs for the records provided are: \$ _____

_____ Records have been (partially, fully) provided. If not fully provided, the records are expected to be fully provided by (date) _____.

• **Records Not Available**

_____ Records cannot be found after diligent search.

_____ The Ithaca Housing Authority is not the custodian for the records indicated.

• **Records Denied**

I hereby certify that access to the records or part of the records checked above has been denied to the applicant for the reason(s) checked below. Such records or part of records:

(a) _____ Are specifically exempt by state or federal statute.

- (b) _____ Would if disclosed result in an unwarranted invasion of personal privacy.
- (c) _____ Would if disclosed impair present or imminent contract awards or collective bargaining negotiations.
- (d) _____ Are trade secrets or are submitted to the agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise.
- (e) _____ Are compiled for law enforcement purposes and which, if disclosed, would:
 - _____ i. Interfere with law enforcement investigations or judicial proceedings.
 - _____ ii. Deprive a person of a right to a fair trial or impartial adjudication.
 - _____ iii. Identify a confidential source or disclose confidential information relative to a criminal investigation.
 - _____ iv. Reveal criminal investigative techniques or procedures, except routine techniques and procedures.
- (f) _____ Could if disclosed endanger the life or safety of any person.
- (g) _____ Are inter-agency or intra-agency communications, except to the extent that such materials consist of:
 - _____ i. Statistical or factual tabulations or data;
 - _____ ii. Instructions to staff that affect the public;
 - _____ iii. Final agency policy or determinations; or
 - _____ iv. External audits, including but not limited to audits performed by the comptroller and the federal government.
- (h) _____ Are examination questions or answers that are requested prior to the final administration of such questions.
- (i) _____ If disclosed, would jeopardize the agency's capacity to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures.
- (j) _____ Are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-a of the vehicle and traffic law.

Identification of records withheld (attach listing if additional space is required) and/or explanation if appropriate:

Signature (Records Access Officer): _____

Name: _____ Title: _____ Date: _____