



## 2.20 Freedom of Information Law Policy

Category: Administration

Name of Responsible Office: Institutional Compliance & Internal Audit

Title of Responsible Executive: Institutional Compliance Officer & Internal Auditor

Date Established: August 12, 2019

Date Last Approved: August 22, 2022

### Summary

The New York State Freedom of Information Law (NYSFOIL) requires Monroe Community College (MCC), as a governmental agency, to make records available to the public. The College is committed to fulfilling its obligations under NYFOIL and to acting in accordance with the law's intention of making the actions of public bodies transparent to citizens.

### Policy

#### *Policy Statement*

Monroe Community College recognizes and embraces its fundamental obligation to make records available to the public, pursuant to New York State Freedom of Information Law (Public Officers Law §§ 84–90). Under state law, all records are accessible, except records, or portions thereof, that are specifically exempted. MCC has a Records Access Officer and a FOIL appeals officer, and rules and procedures for receiving and acting upon requests for records.

Furthermore, the College commits to the uniform application of those rules and procedures.

#### *Records Access Officer*

The name, title, business address, and email address of the Records Access Officer are readily available to the public. The Records Access Officer is responsible for ensuring appropriate response to public requests for access to records. The Records Access Officer:

- (1) maintains an up-to-date subject matter list (Monroe Community College adopts the Records Retention and Disposition Schedule CO-2 developed by the State Archives and Records Administration at the State Education Department as a substitute for the subject matter list);
- (2) contacts persons seeking records when a request is voluminous or when locating the records sought involves substantial effort, so that agency personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of the records requested; (3) assists the requester in identifying requested records, if necessary;
- (3) upon locating the records, takes one of the following actions:
  - (i) makes records available for inspection; or
  - (ii) denies access to the records in whole or in part and explains in writing the reasons therefore;
- (4) upon request for copies of records, makes a copy available upon payment of established fees, if any, in accordance with the law;
- (5) upon request, certifies that a record is a true copy; and

- (6) upon failure to locate records, certifies that:
- (i) the college is not the custodian of such records; or
  - (ii) the records of which the college is a custodian cannot be found after diligent search.

The designation of a Records Access Officer shall not be construed to prohibit college officials who are otherwise authorized to make records or information available to the public or who have in the past made records or information available to the public from continuing to do so.

Likewise, individuals who have routinely requested and received records or information from the College in the course of their engagement with the College may continue to follow established lines of communication, unless the College subsequently requires the use of the NYSFOIL process at MCC.

## ***Background***

The New York State Public Officers Law, Article 6, Section 84 states, in part:

“... The people's right to know the process of governmental decision-making and to review 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. The legislature therefore declares that government is the public's business and that the public, individually and collectively and represented by a free press, should have access to the records of government in accordance with the provisions of this article.”

## ***Applicability***

Anyone may submit a records request to the College under Public Officers Law, Article 6 §§ 84–90. This policy and its associated procedure are to be applied uniformly.

## **Definitions**

**The public**—any individual acting on his own behalf or acting on behalf of an organization other than Monroe Community College.

**Record**—any information kept, held, filed, produced or reproduced by, with or for Monroe Community College in any physical form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes.

**Records Access Officer**—the individual designated by the College’s chief administrative officer to receive, process and respond to requests for records.

**FOIL Appeals Officer**—the individual designated by the College’s chief administrative officer to receive, process and respond to appeals of the denial of records or portions of records.

## **Responsibility**

Institutional Compliance Officer & Internal Auditor

## **Contact Information**

Institutional Compliance Officer & Internal Auditor

Monroe Community College  
1000 E. Henrietta Road Rochester, NY 14623  
[foilofficer@monroecc.edu](mailto:foilofficer@monroecc.edu)

## Related Information

### *College Documents*

2.20P Freedom of Information Law Procedure

### Other Documents

[New York State Public Officers Law, Article 6](#)

## Related Links

[Committee on Open Government website](#)

## History

Item	Date	Explanation
Board of Trustee approval	August 12, 2019	Policy established