



FREEDOM OF INFORMATION LAW (FOIL) POLICY AND PROCEDURES OF THE ROCHESTER LAND BANK CORPORATION

Purpose

The Rochester Land Bank Corporation ("RLBC") is subject to disclosures pursuant to the Freedom of Information Law ("FOIL"). This document describes RLBC policies and procedures as it relates to the handling of FOIL requests.

Making Requests

To make a FOIL request, please send a detailed written request to the RLBC Records Access Officer specifying the records you wish to receive at:

- By Email: landbank@cityofrochester.gov
- By Mail: Rochester Land Bank Corporation
 Attn: Rianne Mitchell
 30 Church Street, Room 125B
 Rochester, NY 14614

Handling of Requests

RLBC is required to comply with FOIL, and as such, will ensure that this policy remains up to date, and that a Records Access Officer has been appointed to handle FOIL requests at all times. The Records Access Officer will:

- (1) Maintain an up-to-date Subject Matter List.
- (2) On locating records where inspection is requested, either (i) make records available for inspection, or (ii) deny access to records and explain in writing the reasons why such records are not available.
- (3) On locating records where copies are requested, either (i) make a copy available upon payment of fees established pursuant to this policy, if any, or (ii) deny access to records and explain in writing the reasons why such records are not available.
- (4) Certify that records provided are a true copy.

- (5) On failure to locate records, certify that: (i) RLBC is not the custodian for such records, or (ii) the records for which RLBC is custodian cannot be found after a diligent search.

Request Protocol

- (a) A written request is required.
- (b) A response shall be given within five business days of receipt of a request by:
 - (1) 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;
 - (2) granting or denying access to records in whole or in part;
 - (3) 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 business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for 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 in whole or in part; or
 - (4) if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty 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 in whole or in part.
- (c) In determining a reasonable time for granting or denying a request under the circumstances of a 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 RLBC, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

(d) 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:

- (1) fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;
- (2) acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;
- (3) furnishes an acknowledgment of the receipt of a request within five 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;
- (4) fails to respond to a request within a reasonable time after the approximate date given or within twenty business days after the date of the acknowledgment of the receipt of a request;
- (5) determines to grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request, but fails to do so, unless RLBC provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;
- (6) does not grant a request in whole or in part within twenty 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 in whole or in part; or
- (7) responds to a request, stating that more than twenty 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.

(e) An appointment, to inspect and copy records, may be made by contacting the Records Access Officer.

Subject Matter List

A Subject Matter List shall be maintained by the Records Access Officer, which shall be sufficiently detailed to permit identification of the category of records sought, and which shall be updated annually.

Denial of Access to Records

- (a) Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the individual or body established to determine appeals, [who or which] shall be identified by name, title, business address and business phone number.
- (b) If requested records are not provided promptly, as required in Section 5 of these regulations, such failure shall also be deemed a denial of access.
- (c) The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:

City of Rochester
Corporation Counsel
30 Church Street, 400A
Rochester, NY 14614

-or-

foilappeals@cityofrochester.gov

- (d) Any person denied access to records may appeal within thirty days of a denial.
- (e) The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:
- (1) the date and location of requests for records;
 - (2) a description, to the extent possible, of the records that were denied; and
 - (3) the name and return address of the person denied access.
- (f) A failure to determine an appeal within ten 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.
- (h) The person or body designated to determine appeals shall inform the appellant of its determination in writing within ten business days of receipt of an appeal.

Fees

Fees may be charged for copies at the discretion of the Records Access Officer as follows:

- (a) the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches. This section shall not be construed to mandate the raising of fees where agencies or municipalities in the past have charged less than 25 cents for such copies;
- (b) the fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction; or
- (c) RLBC has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.

Such fees may also include:

- (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 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 such request; or
- (c) the actual cost to RLBC of engaging an outside professional service to prepare a copy of a record, but only when RLBC information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.

Severability

If any provision of these regulations or the application thereof to any person or circumstances 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.