

WHIN Music Community Charter School Freedom of Information Law (FOIL) Policy

This policy sets forth procedures designed to enable WHIN Music Community Charter School to comply with the New York State Freedom of Information Law (FOIL). This document includes the school's rules and regulations regarding how the public may obtain records, as well as the required public notice. It is the policy of WHIN Music Community Charter School ("WHIN") to furnish to the public the information and records required by the Freedom of Information Law ("FOIL"), constituting Article 6 of the Public Officers Law ("POL").

1. Designation of Records Access Officer duties:

- a. The Board of Trustees is responsible for insuring compliance with FOIL, and designates the following persons as records access officers: the Executive Leaders, presently David Gracia (Executive Director) and Charlie Ortiz (Executive Principal). All FOIL requests should be sent to the following address: WHIN Music Community Charter School, 111 Broadway Suite 604, New York, NY 10006 or via email at: david.gracia@whinmusic.org and charlie.ortiz@whinmusic.org
- b. The record access officers are responsible for ensuring that WHIN appropriately responds to public requests for access to its records. The record access officers shall ensure that the following actions are taken:
 - i. maintaining a record of the final vote of each trustee in every proceeding in which the trustees vote;
 - ii. maintaining a record setting forth the name, public office address, title and salary of every officer or employee of WHIN;
 - iii. maintaining an up-to-date subject matter list of all subject matter of all records in possession of the School;
 - iv. assisting the requester in identifying requested records, if necessary;
 - v. upon locating the records and making a determination as to whether access will be granted in whole or in part; and
 1. making records available for inspection; or,
 2. denying access to the records in whole or in part and explain in writing.
 - vi. upon request for copies of records:
 1. making a copy available upon payment or offer to pay established fees, if any, in accordance with Section 4; or
 2. permitting the requester to copy those records.
 - v. upon request, certifying that a record is a true copy, or obtain such certification.
 - vi. upon failure to locate records, certify that:
 1. WHIN is not the custodian for such records; or
 2. the records of which WHIN is a custodian could not be found after a diligent search.

2. Location of Records and Hours for Public Inspection:

Records shall be available by appointment for public inspection and copying at:

WHIN Music Community Charter School
401 West 164th Street Fourth Floor
New York, NY 10032

david.gracia@whinmusic.org | charlie.ortiz@whinmusic.org

1:00 PM - 5:00 PM

3. Availability of Records:

WHIN may deny access to request records or portions thereof that:

- a. are specifically exempted from disclosure by state or federal statute, like certain student records;
- b. if disclosed would constitute an unwarranted invasion of personal privacy;
- c. if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
- d. are trade secrets or are submitted to WHIN 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 School;
- e. if disclosed, would endanger the life or safety of any person;
- f. are interagency or intra-agency materials which are not:
 - i. statistical or factual tabulations,
 - 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;
- g. are examination questions or answers which are requested prior to the final administration of such questions; or
- h. if disclosed, would jeopardize WHIN's ability to guarantee the security of its information technology assets.

4. Fees:

- a. Fees for copies may be charged, provided that:
 - i. the fee for copying records shall not exceed 25 cents per one-sided page for photocopies not exceeding 9 by 14 inches;
 - ii. the fee for all other records shall not exceed the actual reproduction cost.

5. Requests for public access to records:

- a. All requests for records or secure copies of records shall be submitted to the record access officers on a form prescribed by the record access officers, in which the requester shall reasonably describe the records or records sought.
- b. Pursuant to Public Officers Law Section § 89.3, within five (5) business days of receipt of a FOIL request, the record access officers will respond to that request, provided it has reasonably and with particularity described the record being sought as follows:
 - i. if the request will be granted in whole or in part, a statement to that effect including, if practical, a copy of the requested record; or
 - ii. if the request will be denied, a written explanation of the reason for denial; or
 - iii. if a decision regarding the request has not yet been made, and acknowledgement of the request and a statement that the request will be decided, which date shall be reasonable under the circumstances of the request, and where appropriate, a statement that the request will be determined in accordance with subdivision § 87(5) of the POL.
 - iv. if WHIN determines to grant a request in whole or in part, and if circumstances prevent disclosure within twenty (20) business days from the acknowledgment of the receipt of the request, the letter from WHIN shall state a) the reason for the inability to grant the request within twenty (20) days, AND b) a date certain within which the request will be granted in whole or in part (POL § 89(3) as amended by Ch. 22 of L. 2005).

6. Denial of access to records:

- a. Denial of access to records shall be in writing, shall state the reason and advise the requester of the right to appeal to the Board of Trustees.
- 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. WHIN Board of Trustees has been designated to receive and determine appeals regarding denial of access to WHIN records under the Freedom of Information Law:

Gregory David, Board Chair
WHIN Music Community Charter School
401 West 164th Street Fourth Floor
New York, NY 10032

- d. Any person denied access to records may appeal in writing within thirty days of a denial.
- e. The time period within which the records access appeals officer(s) must decide an appeal shall commence upon receipt of a written appeal identifying:
 - i. the date and location of request of records;
 - ii. a description, to the extent possible, of the records that were denied;
 - iii. the name and return address of the person denied access; and
- d. 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.
- g. The Board of Trustees shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government
New York State Department of State
41 State Street
Albany, NY 12231

- h. The Board of Trustees shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth subdivision (g) of this section.

7. Public notice:

A notice containing the title, name and business address of the records access officer(s) and the Board of Trustees and the location where records can be seen or copied, shall be posted in a conspicuous location wherever WHIN records are stored.

8. Family Education Rights and Privacy Act:

WHIN will not disclose any information from a student's permanent record except as authorized pursuant to the Federal Education Rights and Privacy Act or in response to a subpoena as required by law. The parent or guardians of a student under the age of 18 years of age, or a student 18 years of age or older, are entitled to access to the student's school records by submitting a written request to the school leader.



Freedom of Information Law (FOIL) Policies
Email: info@whinmusic.org Website: www.whinmusic.org

**WHIN MUSIC COMMUNITY CHARTER SCHOOL
FREEDOM OF INFORMATION PUBLIC NOTICE**

The Freedom of Information Law, which took effect on January 1, 1978, gives you the right of access to many public records.

WHIN Music Community Charter School has adopted a policy governing when, where, and how you can see public records.

The policy can be seen at all places where records are kept. According to this policy, records can be seen and copied at:

WHIN Music Community Charter School
401 West 164th Street Fourth Floor
New York, NY 10032

The record access officers will help you exercise your right to access these public records. The record access officers are: David Gracia, Executive Director and Charlie Ortiz, Executive Principal.

If you are denied access to a record, you may appeal to the following person or body:

Gregory David, Board Chair
c/o WHIN Music Community Charter School
401 West 164th Street Fourth Floor
New York, NY 10032