

Please see attached document that has some of the frequently asked questions regarding foil requests. I also added the Department of State website address at the top if you have any other questions. Requests will be accepted during the Town Clerks normal business hours or thru the mail. If sent over email please include "FOIL REQUEST" in the subject line so that it can be addressed timely. (Towncarl2@yahoo.com)

Thank you,
Karen Narburgh
Town Clerk

<https://www.dos.ny.gov/coog/freedomfaq.html#request>

What records are available?

All records are available, unless an exception permits an agency to deny access. Most of the exceptions are based upon common sense and the potential for harm that would arise by means of disclosure. If disclosure of records would be damaging to an individual or preclude a government agency from carrying out its duties, it is likely that some aspects of the records may be withheld. See FOIL §87(2).

What records can I obtain electronically?

It depends. Not all records are maintained electronically, and some records which are maintained electronically may not be available in a particular electronic format.

Where should I send my request?

Requests should be mailed or hand-delivered to the "records access officer" of the agency. If the agency has email, an email request may be sent to the email address designated by the agency for such purpose. If you wish to send a request via fax, you should check with the agency first.

How long must I wait to get access to records?

When an agency receives a request, §89(3)(a) of the Freedom of Information Law states that it has five business days to grant or deny access in whole or in part, or if more time is needed, to acknowledge the receipt of the request in writing and indicate an approximate date by which the agency will respond to the request, usually not more than 20 additional business days. See Explanation of Time Limits for Responding to a Request.

How much can I be charged for public records?

It depends. If you request paper copies, an agency may charge up to twenty-five cents per photocopy up to 9"x14". If the paper copies requested are larger than 9"x14", the agency can charge the actual cost of making the copies. See FOIL §87(1)(b)(iii).

If you request records to be transmitted electronically, and the agency maintains the records electronically, there may be no basis for charging a fee. See FOIL §87(1)(b) and (c).

If you request a large volume of electronic records, the agency can charge the actual cost of reproducing the records. When it takes an agency more than 2 hours to prepare, extract or generate electronic data, the agency could charge for the employee's time. See FOIL §87(1)(b) and (c).

If you request that paper records be scanned and forwarded to you electronically, please see the following advisory opinions: 18568, 18620.

Can I inspect records instead of paying the fees?

Yes. Any person has the right to inspect accessible records at no charge. If portions of the records may be withheld, however, the agency is permitted to require payment for redacted copies of records. If portions of electronic records can reasonably be redacted electronically, prior to disclosure, no payment can be required for time needed to review the records and redact.

Do I have to give a reason why I want public records?

No. A person requesting records cannot be required to provide a reason or indicate the intended use of the record might be. The only instance in which the purpose of a request is relevant is when the request is for a list of names and residence addresses. Only in that instance is the agency authorized to seek certification that the list will not be used for solicitation or fund-raising purposes; if it is determined that a list will be used for those purposes, an agency can deny access. See FOIL §89(3)(a), §87(2)(b) and §89(2)(b).

TOWN OF CARLTON
REQUEST TO VIEW PUBLIC RECORDS
UNDER THE FREEDOM OF INFORMATION LAW
TO: RECORDS ACCESS OFFICER OF THE TOWN OF CARLTON
I HEREBY REQUEST TO VIEW THE FOLLOWING RECORD(S):

(Signature)

____/____/____
(Date)

(Mailing Address)



FOR AGENCY USE ONLY
APPROVED RECORDS OF WHICH THIS AGENCY IS LEGAL CUSTODIAN
CANNOT BE FOUND
DENIED RECORDS REQUESTED ARE NOT MAINTAINED BY THIS
AGENCY

Number of pages to be copied: _____

Total fee @ .25 cents per page after the first (10) pages.
\$ _____ Received Payment: ____/____/____

(Signature)

(Title)

____/____/____
(Date)

(Received)