

SCHOOL DISTRICT RECORDS REGULATIONS

The following constitutes the rules and regulations of the Berlin Central School District relating to the inspection and copying of school district records:

I. Designation of Officers

- A. The Records Access Officer(s) shall be appointed by the Board of Education at its organizational meeting.
- B. The Records Access Officer(s) are designated to receive requests for records of the Board of Education and to make such records available for inspection or copying when such requests are granted.
- C. The Records Access Officer(s) shall compile and maintain a detailed current list, by subject matter, of all records in the possession of the Board, whether or not available to the public.
- D. The Superintendent, with the Board's approval, shall designate a Records Management Officer for the District.
- E. The Records Management Officer shall direct and oversee a program for the orderly and efficient management of the District's records.

II. Definition of Records

- A. A record is defined as any information kept, held, filed, produced, or reproduced by, with, or for the Board 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, photographs, letters, microfilms, computer tapes, **(or) disks or other electronic documents**, rules, regulations, or codes.
- B. The Records Access Officers shall have the responsibility for compiling and maintaining the following records:
 - 1. a record of the final vote of each member of the Board on any proceeding or matter on which the member votes;
 - 2. a record setting forth the name, school or office address, title, and salary of every officer or employee of the Board. Such records shall be made available for inspection under the supervision of the Records Access Officer; and

3. a detailed current list by subject matter of all records in possession of the Board, whether or not available for public inspection and copying.
- C. No record for which there is a pending request for access may be destroyed. Nevertheless, nothing in these regulations shall require the Board to prepare any record not possessed or maintained by it except the records specified in 11(2), above.

III. Access to Records

- A. Time and Place Records May Be Inspected: Records may be requested from, and inspected or copied at, the Office of the Records Access Officer, from 8:00 AM to 3:00 PM on any business day on which the Board of Education offices are open. The Records Access Officer may require that an appointment be made for inspecting or copying any records requested under these regulations or the policy they implement.
- B. Fees: The fee for documents up to 8 1/2 x 14 inches is twenty-five cents (\$0.25) per page. For documents larger than 8 1/2 x 14 inches, tape or cassette records, or computer print-outs, the cost shall be based on the cost of reproduction or program utilized. Fees are subject to periodic review and change. Nevertheless, no fee shall be charged for search or inspection of records, certification of documents, or copies of documents that have been printed or reproduced for distribution to the public. The number of such copies given to any one organization or individual may be limited, at the discretion of a Records Access Officer.
- C. Procedures: Requests to inspect or secure copies of records shall be submitted in writing, either in person or by mail, to a Records Access Officer of the Berlin Central School District. Requested records that have not been inspected by the party making the request within ten (10) working days of their production may be returned to storage by the District.
- D. Time for Response: Requests for information shall be responded to within five (5) business days of their receipt. If the request cannot be fulfilled within five (5) business days then a Records Access Officer shall acknowledge receipt of the request and advise the approximate date when the request will be granted or denied.
- E. Denial of Access: When a request for access to a public record is denied, a Records Access Officer shall indicate in writing the reasons for such denial, and the right to appeal.

- F. Appeal: An applicant who is denied access to a public record may file an appeal by delivering a copy of her/his request and a copy of the denial of that request to the Superintendent of Schools within thirty (30) days after the denial from which such appeal is taken.

- G. Notice to Appellant and Committee on Open Government: The appeal shall be submitted to the Board for decision. The applicant and the New York State Committee on Open Government will be informed in writing of the Board's determination within ten (10) business days of receipt of an appeal. The District Clerk shall transmit to the Committee on Open Government photocopies of all appeals and determinations.

IV. Records Exempted from Public Access

The provisions of this regulation relating to information available for public inspection and copying shall not apply to records that:

- A. are specifically exempted from disclosure by state or federal statute;
- 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 disclosed in confidence to the Board and compiled and maintained for the regulation of commercial enterprise, including trade secrets, or for the grant or review of a license;
- E. are compiled for law enforcement purposes and that, if disclosed, would:
 - 1. interfere with law enforcement investigations or judicial proceedings;
 - 2. deprive a person of a right to a fair trial or impartial adjudication;
 - 3. identify a confidential source or disclose confidential techniques or procedures, except routine techniques or procedures; or
 - 4. reveal criminal investigative techniques or procedures, except routine techniques or procedures;
- F. records that, if disclosed, would endanger the life or safety of any person;

- G. records that are inter- or intra-agency communications, except to the extent that such materials consist of:
 - 1. statistical or factual tabulations of data;
 - 2. instructions to staff that affect the public;
 - 3. final Board policy determinations; or
 - 4. external audits, including but not limited to audits performed by the New York State Comptroller or the federal government;
- H. records that are examination questions or answers that are requested prior to the final administration of such questions; or
- I. records that are computer access codes.

V. Prevention of Unwarranted Invasion of Privacy

In order to prevent an unwarranted invasion of personal privacy, the Records Access Officer may delete certain details when records are made available to the public. An unwarranted invasion of personal privacy includes, but shall not necessarily be limited to, the following:

- A. disclosure of confidential personal matters reported to the Board that are not relevant or essential to the ordinary work of the Board;
- B. disclosure of employment, medical, or credit histories or personal references of applicants for employment, unless the applicant has provided a written release permitting such disclosures;
- C. sale or release of lists of names and addresses in the possession of the Board if such lists would be used for private, commercial, or fund-raising purposes;
- D. disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such records are not relevant or essential to the ordinary work of the Board; or
- E. disclosure of items involving the medical or personal records of a client or patient in a hospital or medical facility.

Unless otherwise deniable, disclosure shall not be construed to constitute an unwarranted invasion of personal privacy when identifying details are deleted,

when the person to whom records pertain consents in writing to disclosure, or when, upon presenting reasonable proof of identity, a person seeks access to records that pertain to the person making the request for access.