

PUBLIC ACCESS TO RECORDS OF

**Ark Community Charter School
762 River Street
Troy, NY 12180
Rensselaer County**

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SECTION 1 PURPOSE AND SCOPE.

- (a) The people's right to know the process of government decision-making and 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 of confidentiality.
- (b) These regulations provide information concerning the procedures by which records may be obtained.
- (c) Personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.
- (d) Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

SECTION 2 DESIGNATION OF RECORDS ACCESS OFFICER.

- (a) Steven Axelrod, Chair of the Board of Trustees, **is** responsible for insuring compliance with the regulations herein, and designates the following person(s) as records access officer(s):

Mary Theresa Streck, Director
Petra Hahn, Assistant Director
Ark Community Charter School
762 River Street
Troy, NY 12180

- (b) Records access officers are responsible for insuring appropriate agency response to public requests for access to records. The designation of records access officers shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.

Records access officers shall insure that personnel:

- (1) Maintain an up-to-date subject matter list.
- (2) Assist the requester in identifying requested records, if necessary.
- (3) Upon locating the records, take one of the following actions:
 - (i) Make records available for inspection; or,
 - (ii) Deny access to the records in whole or in part and explain in writing the reasons therefor.
- (4) Upon request for copies of records:
 - (i) Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8; or,
 - (ii) Permit the requester to copy those records.
- (5) Upon request, certify that a record is a true copy ; and
- (6) Upon failure to locate records, certify that;
 - (i) Ark Community Charter School is not the custodian for such records, or
 - (ii) The records of which Ark Community Charter School is a custodian cannot be found after diligent search.

SECTION 3 LOCATION

Records shall be available for public inspection and copying at:
Ark Community Charter School
762 River Street
Troy, NY 12180

SECTION 4 HOURS FOR PUBLIC INSPECTION

Request for public access to records shall be accepted and records produced during all hours regularly open for business.

These hours are: Monday-Friday 8:00 a.m. to 3:00 p.m.

SECTION 5 REQUESTS FOR PUBLIC ACCESS TO RECORDS

- (a) A written request may be required, but oral requests may be accepted when records are readily available.
- (b) A response shall be given regarding any request reasonably describing the record or records sought within five business days of receipt of request.
- (c) A request shall reasonably describe the record or records sought. Whenever possible a person requesting records should supply information regarding dates, file designations or other information that may help to describe the records sought.
- (d) If the records access officer does not provide or deny access to the record sought within five business days of receipt of a request, he or she shall furnish a written acknowledgment of receipt of the request and a statement of the approximate date when the request will be granted or denied.

SECTION 6 SUBJECT MATTER LIST.

- (a) The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to subdivision two of Section eightyseven of the Public Officers Law.
- (b) The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
- (c) The subject matter list shall be updated not less than twice per year.

The most recent update shall appear on the first page of the subject matter list.

SECTION 7 DENIAL OF ACCESS TO RECORDS.

- (a) Denial of access to records shall be in writing stating the reason therefore and advising the requester of the right to appeal to the individual or body established to determine appeals.
- (b) If requested records are not provided promptly, as required in Section 5(d) 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:

Steven Axelrod
President, Board of Trustees,
55 Main Street, PO Box 357, Chatham, NY 12037
phone: (518-392-2100)

- (d) 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 of the appeal.
 - (2) The date and location of the requests for records.
 - (3) The records to which the requester was denied access.
 - (4) Whether the denial of access was in writing or due to failure to provide records promptly as required by Section 5 (d) ; and
 - (5) The name and return address of the requester.
- (e) The individual or body designated to determine appeals shall inform the requester of a decision in writing within ten business days of receipt of an appeal.
- (f) The person or body designated to determine appeals 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
Department of State
41 State Street
Albany, NY 12231
- (g) The person or body designated to determine appeals 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 (f) of this section.

SECTION 8 FEES.

- (a) There shall be no fee charged for:
 - (1) inspection of records;
 - (2) search for records; or
 - (3) any certification pursuant to this part.

SECTION 9 PUBLIC NOTICE.

A notice containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen or copies shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

SECTION 10 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.

ALTERNATE SECTION EIGHT (FEES)

FEES FOR PHOTOCOPIES

The fee for photocopies not exceeding 9 by 14 inches is (up to 25¢) cents per page.

FEES FOR COPIES OF RECORDS, OTHER THAN PHOTOCOPIES WHICH ARE 9 BY 14 INCHES OR LESS IN SIZE

The fee for copies of records other than photocopies which are 9 by 14 inches or less in size shall be the actual copying cost excluding fixed agency costs such as salaries.

PUBLIC NOTICE: YOU HAVE A RIGHT TO SEE PUBLIC RECORDS

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

Ark Community Charter School has adopted regulations governing when, where, and how you can see public records. The regulations can be seen at all places where records are kept. According to these regulations, records can be seen and copied at:

**Ark Community Charter School
762 River Street
Troy, NY 12180**

The following officials will help you to exercise your right to access:

- 1. Agency officials who have in the past been authorized to make records available**
- 2. Records Access Officer(s)**

**Mary Theresa Streck, Director
Petra Hahn, Assistant Director
Ark Community Charter School
762 River Street
Troy, NY 12180**

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

**Steven Axelrod
President, Board of Trustees,
55 Main Street, PO Box 357, Chatham, NY 12037
phone: (518-392-2100**