

FOIL Policy (Freedom of Information Laws)

It is the policy of Central Queens Academy Charter School (CQA or the school) to furnish to the public 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 school is responsible for ensuring compliance with FOIL. The School's record access officer is the director of operations. All FOIL requests should be sent to the following address: Central Queens Academy Charter School, 55-30 Junction Boulevard, Elmhurst, New York 11373.
 - b. The records access officer is responsible for ensuring that the school appropriately responds to public requests for access to its records. The records access officer shall ensure that the following actions are taken:
 - i. maintaining an up-to-date and reasonably detailed list of all subject matter of all records in possession of the school, whether available under POL §87(2)
 1. the subject matter list shall be sufficiently detailed to permit identification of the category of the record sought; and
 2. the subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.
 - ii. assisting the requester in identifying requested records, if necessary;
 - iii. locating the records and deciding as to whether access will be granted in whole or in part; and
 1. making available for inspection those records that are required to be produced by law subject to redactions appropriate under law or
 2. denying access to the records in whole or in part, with a written explanation.
 - iv. The records access officer may make available a copy of a requested record upon payment or the offer to pay established fees, in accordance with section 8, below.
 - v. Upon request, the records access officer will certify that a record is a true copy or obtain such certification.
 - vi. Upon failure to locate records, the records access officer will certify:
 1. the school is not the custodian for such records; or
 2. the records of which the school is a custodian could not be found after a diligent search.
2. Location of Records and Hours for Public Inspection . Public records shall be made available for inspection at: Central Queens Academy Charter School, 55-30 Junction Boulevard, Elmhurst, New York 11373, weekdays between 1pm and 5pm. A prior appointment is necessary to review records and can be scheduled with the records access officer.
3. Requests for public access to records
 - a. A written request for records is required. Requests can be mailed to the records access officer. If records are maintained on the internet, the requester shall be informed that the records are accessible via the internet and in printed form either on paper or other information storage

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- medium.
- b. Every request for records that is received by any school employee must immediately be forwarded to the records access officer for the latter's response. School personnel other than the records access officer are not authorized to respond to request for records under FOIL, whether orally or in writing.
 - c. A request must reasonably describe each record being requested. Whenever possible a person requesting records should provide information, including the date of the records, which will identify the records being requested.
 - d. Pursuant to POL section § 89.3, within 5 business days of receipt of a FOIL request, the record access officer 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
 - iii. denial; or
 - iv. if a decision regarding the request has not yet been made, an acknowledgement of the request and a statement of the approximate date when it is anticipated 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 §89(5) of the POL (trade secret, critical infrastructure information.
 - v. if the school determines to grant a request in whole or in part, and if circumstances prevent disclosure within 20 business days from the acknowledgement of the receipt of the request, the letter from the School shall state a) the reason for the inability to grant the request within 20 business 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).
 - e. 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 the School, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.
 - f. 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:
 - i. 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;
 - ii. 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;
 - iii. 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;

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- iv. 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;
 - v. 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 the agency 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;
 - vi. 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
 - vii. 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.
4. 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 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. CQA Board of Trustees has been designated to receive and determine appeals regarding denial of access to school records under FOIL.
 - 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 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
 - iv. whether the denial of access was in writing or due to failure to provide records promptly as required by section 4(D).
 - f. Pursuant to POL §89.4, the records access appeals officer shall: 1) fully explain in writing the reasons for further denial or provide access to the records to the requester within ten business days of receipt of the appeal; and 2) cause to be transmitted to the Committee on Open Government a copy of each appeal received. The Committee on Open Government, which is a division of the New York State Department of State, is located at 41 State Street Albany, New York 12231.
 - g. The records access officer shall inform in writing the appellant and the Committee on Open Government of his or her determination 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.

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5. Fees
 - a. Central Queens Academy Charter School will recoup expenses related to the fulfillment of FOIL requests as allowed by law.

6. Public Notice
 - a. A notice containing the name and business address of the records access officer and Address of the records appeals officer, along with the location where records can be seen or copied, shall be posted in a conspicuous location where school records are stored.