



Atmosphere
academy

FOIL POLICY

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It is the policy of the Atmosphere Academy Public Charter Schools to inform members of the public about the administration and operation of the school in accordance with the Freedom of Information Law of the State of New York.

These regulations are promulgated to ensure compliance with the Freedom of Information Law and govern the procedures to be followed to obtain access to school records. The Board of Trustees have designated a Records Access Officer (Chief Culture Officer) and Records Management Officer (Operations Director), pursuant to law.

Retention and Destruction of Records: The Board hereby adopts as policy the Records Retention and Disposition Schedules as promulgated by the Commissioner of Education, setting forth the minimum length of time school records must be retained.

RECORDS REGULATION

The following comprises the rules and regulations relating to the inspection and copying of Atmosphere Academy records:

I. Designation of Personnel

The Board of Trustees hereby designates the Chief Culture Officer as the Records Access Officer and the Operations Director as the Records Management Officer. The Board of Trustees shall further establish alternates for this position in the event the Chief Culture Officer and Operations Director are incapacitated or unavailable.

The Records Access Officer is responsible for ensuring appropriate agency response to public requests for access to records. The Record Access Officer shall assure that personnel:

1. Maintain a current list by subject matter of all records in possession of the Atmosphere Academy, whether or not available for public inspection and copying;
2. Assist the requester in identifying requested records, if necessary;
3. Upon locating the records, take one of the following actions in accordance with VII(3) hereof:
 - a. Make records promptly available for inspection; or
 - b. Deny access to the records in whole or in part and explain in writing the reason(s) therefore.
4. Upon requests for copies of records:
 - a. Make copy available upon payment or offer to pay established fees, if any, in accordance with VI hereof; or
 - b. Permit the requester to copy those records.
5. Upon request, certify that a transcript is a true copy of records copied.
6. Upon failure to locate records, certify that:
 - a. Atmosphere Academy is not the legal custodian for such records, or
 - b. The records, of which the Atmosphere Academy is the legal custodian, after diligent search, cannot be found.

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The Records Management Officer will develop and oversee a program for the orderly and efficient management of Atmosphere Academy records.

The Fiscal Officer shall be the HR Leader. The Fiscal Officer shall respond to requests, in accordance with VII hereof, for an itemized record setting forth the name, address, title and salary of every officer or employee of the Atmosphere Academy. The Fiscal Officer shall make the payroll items listed above available to any person including bona fide members of the news media, as required by the Freedom of Information Act.

II. Listing of Records

1. 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, photos, letters, microfilms, computer tapes or disks, rules, regulations or codes.
2. No record for which there is a pending request for access may be destroyed. However, nothing in these regulations shall require the Board to prepare any record not possessed or maintained by it.

III. Access to Records Time and place records may be inspected: Requests to inspect or secure copies of Atmosphere Academy records may be made to the Records Access Officer, on any day that school is in session between the hours of 9:00 A.M. and 12:00 Noon and the hours of 2:00 P.M. and 3:00 P.M. at 5959 Broadway, 2nd Floor, Bronx, NY 10463.

IV. Records Exempt from Public Access

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

1. are specifically exempted from disclosure by state and/or federal statute;
2. if disclosed would constitute an unwarranted invasion of personal privacy;
3. if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
4. are confidentially disclosed 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;
5. are compiled for law enforcement purposes and which, if disclosed, would: a. interfere with law enforcement investigations or judicial proceedings; b. deprive a person of a right to a fair trial or impartial adjudication; c. identify a confidential source or disclose confidential techniques or procedures, except routine techniques or procedures; or d. reveal criminal investigative techniques or procedures, except routine techniques and procedures;
6. if disclosed would endanger the life or safety of any person;
7. are interagency or intra-agency communications, except to the extent that such materials

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consist of:

- a. statistical or factual tabulations or data;
 - b. instructions to staff which affect the public;
 - c. final Board policy determinations; or
 - d. external audits, including but not limited to audits performed by the comptroller and the federal government;
8. are examination questions or answers that are requested prior to the final administration of such questions;
 9. are computer access codes.

V. Prevention of Unwarranted Invasion of Privacy

The Records Access and Fiscal Officers may delete identifying details when making records available, in order to prevent an unwarranted invasion of personal privacy. An unwarranted invasion of personal privacy includes, but shall not be limited to:

1. Disclosure of such personal matters as may have been reported in confidence to the Atmosphere Academy which are not relevant or essential to the ordinary work of the Atmosphere Academy;
2. Disclosure of employment, medical or credit histories or personal references of applicants for employment, except such records may be disclosed when the applicant has provided a written release permitting such disclosure;
3. Disclosure of items involving the medical or personal records of a client or patient in a hospital or medical facility;
4. The sale or release of lists of names and addresses in the possession of the Atmosphere Academy if such list would be used for private, commercial or fund-raising purposes;
5. Disclosure of items 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 Atmosphere Academy. Unless otherwise deniable, disclosure shall not be construed to constitute an unwarranted invasion of privacy when identifying details are deleted, when the person to whom records pertain consents in writing to disclosure, or when upon representing reasonable proof of identity, a person seeks access to records pertaining to him or her.
6. The fee for copies of records not covered by paragraphs (1) and (2) above shall not exceed the actual copy cost which is the average unit cost for copying a record, excluding fixed costs of the Atmosphere Academy such as operator salaries.
7. No fee shall be charged for the following:
 - a. inspection of records;
 - b. search for records; and
 - c. any certification pursuant to these regulations.

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VI. Fees

1. The fee for copying records shall be 40 cents per page for photocopies not exceeding 8-1/2" by 14".
2. If photocopying equipment is unavailable or inoperative, a transcript of the requested records shall be made upon request. Such transcripts may either be typed or handwritten. In such cases, the requester may be charged for the clerical time involved in making the transcript.

VII. Procedures

1. The following procedures shall be followed in connection with a request to inspect or secure copies of Atmosphere Academy records:
2. Requests to inspect or secure copies of records shall be in writing and shall be on a form provided by Atmosphere Academy, which shall be available in the main office or at atmosphere.org. This form should be emailed to FOIL@atmosphere.org.
3. A request for access to records should be sufficiently detailed to identify the records. Where possible, the requester should supply information regarding dates, titles, file designations or other information which may help identify the records. However, a request for any or all records falling within a specific category conforms to the standard that records be identifiable.
4. The Records Access Officer will determine and respond to the request no more than five (5) business days after receipt of the request. If the request cannot be fulfilled within five (5) business days, the Records Access Officer shall acknowledge receipt of the request; state the reason for delay and estimate the date when a reply will be made.
5. If the records are determined to be available, the Records Access Officer will direct the requester to the place where the requested records may be inspected and will arrange for the preparation and certification of copies upon tender of the required fee, if any.
6. If the records are determined not to be available, the Records Access Officer will note the reason for unavailability and return one copy of the form to the requester. The requester shall be advised of his/her right to appeal said denial.
7. No record may be removed from such location without the permission of the appropriate Atmosphere Academy Officer. Records may be inspected only in the main office of the Atmosphere Academy or at such other place as may be designated by the Records Access Officer. A member of the Atmosphere Academy staff must be present throughout the inspection and copying of such records.
8. If requested records are not provided promptly, as required in VII (3) of these regulations, such failure shall be deemed a denial of access.

VIII. Appeals

1. The School CEO (or Board Chair), or his/her designee, whose office is at 5959 Broadway, Bronx, NY 10463, shall hear appeals for denial of access to records under the Freedom of Information Act.

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2. An applicant denied access to a public record may, within 30 days after the denial, file an appeal by delivering a written appeal to the Board Chair identifying:
 - a. the date of the appeal;
 - b. the date and location of the requests for records;
 - c. the records to which the requester was denied access;
 - d. whether the denial of access was in writing or was by failure to provide records promptly as required by VII(7); and
 - e. the name and return address of the requester.

 3. The Board Chair shall inform the requester and the New York State Committee on Open Government of his/her decision in writing within seven (7) business days of receipt of an appeal. Photocopies of all appeals and determinations shall be transmitted to the Committee on Open Government.

 4. An individual whose final appeal is denied may initiate a court review of this determination, as provided for in Article 78 of the Civil Practice Law and Rules.
- IX. Public Notice: Notice containing the job title or name and business address of the Records Access Officer; the name, job title, business address and telephone number of the appeal person or persons; and the location where records can be seen or copies made available, shall be posted in a conspicuous location wherever records are kept.
- X. 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 their application to other persons or circumstances.
- XI. Listing of Records: Pursuant to Section 87(3) (c) of the Public Officers Law, the current records retention schedule for Atmosphere Academy, published by the Commissioner of Education, shall serve as the list by subject matter of all records in the possession of the Atmosphere Academy, whether or not available under the law.



**APPLICATION FOR PUBLIC ACCESS TO RECORDS
PURSUANT TO
ATMOSPHERE ACADEMY CHARTER SCHOOL
FREEDOM OF INFORMATION LAW POLICY**

TO: RECORDS ACCESS OFFICER
Atmosphere Academy Charter School
5959 Broadway, 2nd Floor
Bronx, New York 10463

I HEREBY APPLY TO () INSPECT () SECURE COPIES OF THE FOLLOWING RECORD(S):

I agree to pay the fee required by Atmosphere Academy's Freedom of Information Law Policy for any copies of the record(s) which I have requested.

Please provide these records to me:

Form: Paper Copy Electronically (Please circle one)

Signature: _____

Representing:

Telephone: _____

Date:

Mailing Address: _____

Email Address: _____

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FOR SCHOOL USE ONLY

_____ APPROVED

- Confidential disclosure
- Part of investigatory files
- Unwarranted invasion of privacy
- Record cannot be found
- Record is not maintained by AA

_____ DENIED (check reason below)

- Exempt by statute other than the Freedom of Information Act
- Other (specify)

Signature of Records Access Officer: _____ Date: _____

NOTICE: YOU HAVE A RIGHT TO APPEAL A DENIAL OF THIS APPLICATION TO THE SUPERINTENDENT OF SCHOOLS (OR BOARD CHAIR), ATMOSPHERE ACADEMY CHARTER SCHOOL, WHO MUST FULLY EXPLAIN THE REASONS FOR SUCH DENIAL IN WRITING WITHIN SEVEN (7) BUSINESS DAYS OF RECEIPT OF AN APPEAL.

I HEREBY APPEAL:

Signature: _____ Date: _____