



TOWN OF ROMULUS

How to Make a Freedom of Information Law (FOIL) Request

Who is Subject to the Freedom of Information Law?

- 1** Every New York state or municipal department, board, bureau, division, commission, committee, public authority, public corporation, council, office, or other governmental entity performing a governmental proprietary function is subject to the Law. Each of those governmental entities is an "agency."
 - New York courts are outside its coverage but often must disclose records under other provisions of law.
 - The New York State Legislature is covered by the Freedom of Information Law but is treated differently generally.
 - Private corporations and companies are not subject to the Freedom of Information Law.

Where to Send Your Request

- 1** Each Town of Romulus department creates and maintains its own records. You will need to identify the specific department which has the records you want.
- 2** Each agency must have at least one records access officer who is responsible for handling requests under FOIL. The Romulus Town Clerk is the records access officer for the Town of Romulus.
- 3** 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 (town.clerk@romulustown.com). The Town of Romulus does not accept requests by fax

Writing Your Request

- 1** **Select the department and address your request to the records access officer.** You can use the template on the Town of Romulus website (www.romulustown.com) or create your own document. Address your request to the Town of Romulus Town Clerk and include the physical address.
 - For example, "Town of Romulus Town Clerk, P.O. Box 177, 1435 Prospect Street, Willard, NY 14588."
- 2** Your request should be as specific as possible. Identifying the subject matter helps the records access officer know where to search for records that are pertinent to your request.
 - Provide as much information as you can about the records you are seeking, including dates, titles of documents, names, file designations, or any other information that will help the records access officer locate the correct records.
- 3** **Ask to be contacted regarding any problems with your request.** The records access officer may wish to contact you if there is any confusion about what records you are requesting, or if your request seeks an extensive or voluminous set of records.
 - For example, "If my request appears to be extensive or fails to reasonably describe the records, please contact me in writing or by phone at (555) 123-4567."



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- 4 Specify what fees you are willing to pay.** Agencies are prohibited from charging more than \$0.25 per page for paper copies. Agencies commonly do not charge a fee to transmit records electronically. If an agency employee must spend more than two hours retrieving and copying records, you may be charged for the employee's time. You can specify what fees you are willing to pay and ask to be contacted before the work is performed if the fees will exceed the figure you specified.
 - For example, "If there are any fees in excess of \$5.00 for copying the records requested, please inform me before filling the request. Please supply the records without informing me if the fees are not in excess of \$5.00."
- 5 Request a response within five business days.** If the requested record is reasonably well-described, an agency has five business days to respond. The agency will produce the record, deny the request and provide its reasoning in writing, or provide a written acknowledgement of receipt of the request with a statement of when the request will be granted or denied.
 - For example, "The Freedom of Information Law requires that an agency respond to a request within five business days of receipt of a request. Therefore, I would appreciate a response as soon as possible and look forward to hearing from you shortly. If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed."
- 6 Provide your contact information.** Sign the request and print your name, along with your mailing address and telephone number. If you are requesting records or communication via email, include your email address as well.

Appealing if Your Request is Denied

- 1 Understand the appeals process.** If your request is denied, or if you do not receive a response within five business days, you can appeal the denial. Your appeal must be made within 30 days, and addressed to the Town Supervisor or the Town Board of the Town of Romulus. The agency has 10 business days to respond to your appeal.
 - If your request was denied, consider revising your request and submitting it again. Records access officers are likely to deny requests that do not clearly state what records are being requested and those that ask the officer to do anything more than copy the records. Be sure to identify the records as best you can, and to not ask for an explanation, analysis, or summarizing of the records.
- 2 Address your appeal to the Town of Romulus Town Supervisor.** You can use the template on the Town of Romulus website (www.romulustown.com) or create your own document. Address your request to the Town of Romulus Town Supervisor and include the physical address.
 - For example, " Town of Romulus Town Supervisor, P.O. Box 177, 1435 Prospect Street, Willard, NY 14588."
 - If your request was denied, the agency should have provided the contact information to use for your appeal.



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- 3 State the date of and person to whom you sent your original request.** This will help the appeals officer locate and refer to the record of your original request. For example, "I hereby appeal the denial of my request, which was made on January 10, 2012, and sent to Town of Romulus Town Clerk, P.O. Box 177, 1435 Prospect Street, Willard, NY 14588."
- 4 Identify the records you originally requested.** Provide as much information as you can about the records you are seeking, including dates, titles of documents, names, file designations, or any other information that will help the records access officer locate the correct records.
- 5 State the reason that your request was denied.** If you received a written denial, it should contain the reason why your request was denied. (If the agency simply failed to respond, explain that in your appeal.)
- 6 State the reason you disagree with the denial.** To convince the appeals officer to grant your request, you will need to demonstrate that the records access officer was wrong to deny your request. State your reasoning clearly.
- 7 Refer to the requirements for responses to appeals.** Request a written response within 10 business days and note that the FOIL requires that all appeals be sent to the Committee on Open Government.
 - For example, "As required by the Freedom of Information Law, the head or governing body of an agency, or whomever is designated to determine appeals, is required to respond within 10 business days of the receipt of an appeal. If the records are denied on appeal, please explain the reasons for the denial fully in writing as required by law. In addition, please be advised that the Freedom of Information Law directs that all appeals and the determinations that follow be sent to the Committee on Open Government, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, New York 12231."
 - If your appeal is not successful, you can appeal in the court system under Article 78 of the Civil Practice Law and Rules. If you intend to appeal within the court system, consider contacting an attorney to assist you.

Please Note

- Remember, your request is also a record that can be requested. An interested party could request a list of everyone who has requested certain documents.
- Agencies are required to permit access to and make copies of records. However, they are not required to create new records, analyze data, perform research, or explain records to the requester.