

Stillwater Area Community Services Center Inc.

RECORDS RETENTION AND PUBLIC ACCESS POLICY

PURPOSE:

The people's right to obtain appropriate information about the community center's operations and decisions is basic to our society. This policy provides information concerning records retention and the procedures by which records may be obtained from the SACC.

POLICY:

The Board of Directors directs SACC personnel to furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law. The Sarbanes-Oxley Act of 2002 makes it a crime to alter, cover up, falsify, or destroy any document to prevent its use in an investigation or official proceeding. Failure on the part of directors, officers, or employees of the Corporation to retain certain corporate records can result in civil and criminal sanctions against the Corporation and its directors, officers, members or employees and disciplinary action against responsible individuals.

1. Records Retention

- a. From time to time the Corporation may establish additional retention or destruction policies or schedules. Notwithstanding the foregoing, if any member or employee believes or is informed by the Corporation that certain records are relevant to litigation or potential litigation, then those records must be preserved until the board of directors determines the records are no longer needed.
- b. Scheduled Destruction. The SACC Director shall be responsible for ensuring that any scheduled destruction of the SACC records is carried out in accordance with this Policy.
- c. Electronic Records. This Policy shall apply to all records regardless of whether the records are stored on paper or on computer hard drives or other electronic media. An e-mail message can be deleted once a paper copy has been printed or the email message has been stored electronically. The paper copy or the electronic copy must be retained for the appropriate time period per this record retention policy.
- d. Permanent retention:
 - i. Articles of Incorporation
 - ii. Audit reports, from independent audits
 - iii. Corporate resolutions
 - iv. Determination Letter from the IRS, and correspondence relating to it
 - v. Financial statements (year-end)
 - vi. General accounting ledgers
 - vii. Insurance policies, current
 - viii. Minutes of board meetings and annual meetings of members
 - ix. Real estate deeds, mortgages, bills of sale (current)
 - x. Tax returns
- e. Seven Years
 - i. Accident reports
 - ii. Accounts payable ledgers and schedules
 - iii. Approved grant applications, acknowledgement letters after completion of Community funded program

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- iv. Charitable organization registration statements (filed with New York State Attorney General)
- v. Consultant contracts/files (after all obligations end)
- vi. Contracts, notes & agreements (after all obligations end)
- vii. Employment Applications for full-time positions
- viii. Expense analyses/expense distribution schedules
- ix. Fire inspection reports
- x. Group disability records (after end of benefits)
- xi. Insurance Claims (after settlement)
- xii. Payroll statements
- xiii. Personnel files, payroll records and timesheets (after date of termination)
- xiv. Policy Acknowledgement Forms
- xv. Real estate deeds, mortgages, bills of sale (after sale all obligations end)
- xvi. Worker's Compensation Claims
- xvii. Bank Deposits and Statements

2. Designation of Records Access Officer

- a. The Board of Directors of the Stillwater Area Community Services Center is responsible for insuring compliance with the regulations herein, and designates the following person as records access officer:

SACC Director
Stillwater Area Community Services Center
19 Palmer Street
Stillwater, New York 12170

The records access officer is responsible for insuring appropriate SACC response to public requests for access to records. The records access officer shall insure that agency personnel:

- i. Maintain an up-to-date subject matter list.
- ii. Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.
- iii. Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.
- iv. Upon locating the records, take one of the following actions:
 1. Make records available for inspection; or,
 2. Deny access to the records in whole or in part and explain in writing the reasons therefor.
- v. Upon request for copies of records:

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1. Make a copy available upon payment or offer to pay established fees, if any; or,
 2. Permit the requester to copy those records under the supervision of SACC personnel.
- vi. Upon request, certify that a record is a true copy; and
- vii. Upon failure to locate records, certify that:
1. The SACC is not the custodian for such records, or
 2. The records of which the SACC is a custodian cannot be found after diligent search.

3. Location

Records shall be available for public inspection and copying at:

Stillwater Area Community Services Center
19 Palmer Street
Stillwater, New York 12170

4. Hours for Public Inspection

Requests for public access to records shall be accepted and records produced during all hours in which the SACC's administrative department is regularly open for business. Currently, these hours are: 8:00 a.m. to 6:00 p.m. Monday through Friday.

5. Requests for Public Access to Records

- a. The SACC will require that all requests for access to records will be in writing, except that an oral request may be allowed when records are readily available.
- b. 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 medium.
- c. Upon receipt of a request, a response shall be given within five business days by:
 - i. informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;
 - ii. granting or denying access to records in whole or in part;
 - iii. acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part; or

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- iv. if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.
- d. 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 SACC, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.
- e. A failure to comply with the time limitations described herein shall constitute a denial of a request and may be appealed. Such failure shall include situations in which an officer or employee:
 - i. fails to grant access to the records sought, fails to deny access in writing, or fails to 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 but sets an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;
 - 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.

6. Subject Matter List

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- a. The Records Access Officer shall maintain a reasonably detailed current list by subject matter of all records in the SACC's possession, whether or not records are available pursuant to Public Officers Law § 87 (2).
- 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 annually. The most recent update shall appear on the first page of the subject matter list.

7. Denial of Access to Records

- a. Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the SACC's Board of Directors.
- b. If requested records are not provided promptly, such failure shall also be deemed a denial of access.
- c. The following person or persons or body shall decide appeals regarding denial of access to records under the Freedom of Information Law:

Board of Directors
Stillwater Area Community Services Center
19 Palmer Street
Stillwater, New York 12170
ATTN: FOIL Appeal

Any person denied access to records may appeal within thirty business days of a denial.

- d. The time for deciding an appeal by the Board of Directors shall commence upon receipt of a written appeal identifying:
 - i. the date and location of requests for records;
 - ii. a description, to the extent possible, of the records that were denied; and
 - iii. the name and return address of the person denied access.
- e. A failure to decide an appeal within thirty business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the 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
One Commerce Plaza – 99 Washington Avenue
Albany, New York 12231

- h. The records access officer shall inform the appellant and the Committee on Open Government of the SACC's determination in writing within ten business days of receipt

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of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth above.

4. Fees

- a. There shall be no fee charged for:
 - i. inspection of records;
 - ii. search for records; or
 - iii. any certification of records.

- b. The following fees for copies will be charged:
 - i. the fee for copying records shall be 25 cents per page for photocopies not exceeding 9 by 14 inches;
 - ii. the fee for copies of records exceeding 9 by 14 inches shall be the greater of 50 cents per page or the actual cost of such photocopy to the SACC.
 - iii. the SACC has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.

- b. The fee the SACC may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:
 - i. an amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and
 - ii. the actual cost of the storage devices or media provided to the person making the request in complying with such request; or
 - iii. the actual cost to the SACC of engaging an outside professional service to prepare a copy of a record, but only when an agency's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.

- d. When the SACC has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the SACC shall retrieve or extract such record or data electronically. In such case, the SACC will charge a fee in accordance with paragraphs (c)(i) and (ii) of this section.
- e. The SACC shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.
- f. The SACC may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.
- g. The SACC may waive a fee in whole or in part when making copies of records available.

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3. Public Notice

A notice containing the title or name and business address of the records access officer and appeals person or body and the location where records can be seen or copied shall be posted in a conspicuous location in all SACC locations.

Inquiries regarding this policy or requests for a printed copy should be directed to:

SACC Director
Stillwater Area Community Services Center
19 Palmer Street
Stillwater, New York 12170

Responsibility

The SACC Director is responsible for the administration of this policy. *All directors, employees and volunteers will be trained on this policy and will be asked to acknowledge receipt in writing upon election and/or hiring through the policy acknowledgement form included as the final page in the policy handbook. The center will keep a copy of this and all policies in a binder as a policy handbook that will be left in a conspicuous place accessible to all directors, employees, and volunteers.*

Approved on: August 19, 2019

To be reviewed on: August 2020

Each policy will be reviewed on an annual basis and is subject to change.