



Village of Pelham

Freedom Of Information Law Records Request Form and Rules

Village of Pelham, 195 Sparks Avenue, Pelham, NY 10803; Phone: (914) 738-2015; Fax: (914) 738-7381

Requests should be made to the Village Administrator (e-mail:robert.yamuder@pelhamgov.com) as FOI Officer. In his absence the Village Clerk is the FOI Officer. Records are available for photocopying or review during normal business hours. Records that are current and salient topics of discussion and not subject to FOI reproduction fees include such records as the Tentative or Adopted Budget, Site Plan Applications (photocopies under 10 pages, not blue-prints), Proposed Local Laws, etc. All other copy requests for four (4) or more pages are subject to applicable fees or costs of reproduction.

Under the provisions of the New York State Freedom of Information Law, Article 6 of the NYS Public Officers Law, I hereby:

- A. _____ request a copy of record(s) on file or portion(s) thereof as follows:
- B. _____ request to inspect record(s) on file or portion(s) thereof as follows:

(Attach another sheet or a separate letter if additional space is required)

Note: Official, historic or single-copy records may not be removed or taken from the premises of the Village. Copies will be made at the rate of twenty five cents (\$.25) per photocopy, or the actual cost of reproduction, and must be paid before records are released. A reply will be made to you within five (5) business days about the status of your request. Records that exist will be provided within twenty (20) business days of the date of a request, unless more time is required to locate and /or compile such records. Requesters will be directed to the appropriate entity for records produced or owned by another individual, firm, agency, corporation, or that are copyrighted.

If records are denied or portions withheld, a denial will be made in writing along with a citation of the law that is the basis for denial. You have the right to appeal the denial to the Village Attorney, or his/her designee, to be filed within thirty (30) business days of your receipt of the denial. Mail should be directed to the Village Attorney at the Village Office address above.

Requester's Contact information

NAME: _____

ADDRESS: _____

PHONE/FAX: _____

E-MAIL: _____

SIGNATURE: _____

Village of Pelham List of Information and Records that are
Exempt from release under the Freedom of Information Law:

In accordance with New York State Law, Article 6, Section 87 of the Public Officers Law, the following documents or information are exempt from access that:

- a. are specifically exempted from disclosure by state or federal statute;
- b. if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eighty-nine of the public officers law, for example:
 - i. disclosure of employment, medical or credit histories or personal references of applicants for employment;
 - ii. disclosure of items involving the medical or personal records of a client or patient in a medical facility;
 - iii. sale or release of lists of names and addresses if such lists would be used for commercial or fund-raising purposes;
 - iv. disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such information is not relevant to the work of the agency requesting or maintaining it; or
 - v. disclosure of information of a personal nature reported in confidence to an agency and not relevant to the ordinary work of such agency.
 - vi. information of a personal nature contained in a workers' compensation record, except as provided by section one hundred ten-a of the workers' compensation law.
- c. if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
- d. are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise;
- e. are compiled for law enforcement purposes and which, if disclosed, would:
 - i. interfere with law enforcement investigations or judicial proceedings;
 - ii. deprive a person of a right to a fair trial or impartial adjudication;
 - iii. identify a confidential source or disclose confidential information relating to a criminal investigation; or
 - iv. reveal criminal investigative techniques or procedures, except routine techniques and procedures;
- f. if disclosed would endanger the life or safety of any person;
- g. are inter-agency or intra-agency materials which are not:
 - i. statistical or factual tabulations or data;
 - ii. instructions to staff that affect the public;
 - iii. final agency policy or determinations; or
 - iv. external audits, including but not limited to audits by the state or federal government.
- h. are examination questions or answers which are requested prior to the final administration of such questions;
- i. if disclosed, would jeopardize an agency's capacity to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures; or
- j. are photographs, microphotographs, videotape or other recorded images prepared under the authority of section eleven hundred eleven-a of the vehicle and traffic law.

Unless otherwise provided by this article, disclosure shall not be construed to constitute an unwarranted invasion of personal privacy pursuant to paragraphs (a) and (b) of this subdivision:

- i. when identifying details are deleted;
- ii. when the person to whom a record pertains consents in writing to disclosure;
- iii. when upon presenting reasonable proof of identity' a person seeks access to records pertaining to him.

2-a. Nothing in this article shall permit disclosure which constitutes an unwarranted invasion of personal privacy as defined in subdivision two of this section if such disclosure is prohibited under section ninety-six of this chapter.