

Policy Name: Freedom of Information Law Employee Notification Policy

Policy Category: Human Resources, Personnel, and Employee Benefits

Scope of Policy: New York State's Freedom of Information Law (Public Officers Law §87 et. seq.) allows members of the public to access records of government agencies when FOIL is applied to employee records notification will be given to said employees. This policy shall apply to all City departments and will be in partnership with the standard operating procedures of the police department.

Reference:

Modification Dates: November 2025

Responsible Department or Office: Human Resources

General Information: The Clerk's Office is responsible for coordinating and tracking FOIL requests and will work in coordination with Human Resources to provide employee notification regarding FOIL request for an employee's personnel records.

Next Scheduled Review: November 2030

Definitions:

1. **Personnel Records:** Documents within Human Resources that contain information about an employee's employment history and relationship with their employer. They can include information about an employee's application, performance, and compensation.

Policy:

In the event that a FOIL request is made for an employee's personnel records, the employee will be notified of such request and provided a copy of the request. The City will review the request and provide the employee a copy of the anticipated response. If the anticipated response to the FOIL request contains records or information that the employee believes should not be disclosed, the employee shall make a request to the City to not disclose such records and the City shall advise the employee whether the records will be disclosed.

This policy is subject to, and shall not supersede, any terms contained in any collective bargaining agreement or related document. Nothing in this policy shall prevent the disclosure of records under FOIL if production is required by law.

Procedure:

1. When a FOIL request is made involving personnel records, the Human Resources office shall be contacted immediately.

2. Within three days of the request the Human Resources office will notify the employee via email that their records have been requested and a copy of the request will be forwarded to the employee.
3. A copy of the fulfilled request will be provided to the employee within seven days prior to the release of the records for the employee's review.
4. The employee shall have three days to share via email if they believe that records should not be disclosed.
5. The City will determine the disclosure and notify the employee within three business days of that determination by email.

Approval Date: