

# Town of Riverhead Industrial Development

## Freedom of Information Law (FOIL) Policy

### **Introduction**

The Town of Riverhead Industrial Development Agency (RIDA) is subject to New York State's Freedom of Information Law (FOIL). The purpose of this law is to allow the public access to records used in establishing public policy or decision-making.

### **What is a 'Record'?**

A record is any information kept by the agency in any physical form whatever. In addition to paper records this includes:

- ☐ CDs, computer discs and other electronic media;
- ☐ Audio and video tape recordings; and
- ☐ Emails, charts, maps and photographs.

While the RIDA is not required to prepare new records to comply with this law, the agency is required to provide information from its existing records in the form requested if it has the ability to do so.

### **What Records are Accessible under FOIL?**

As a practical matter, records are accessible unless they fall under one of the exclusions set out in Public Officers Law Article 6. Those most applicable to RIDA are:

- ☐ Disclosure would result in an unwarranted invasion of personal privacy (unless deletion of identifying information is possible, the person involved consents or the person involved seeks records relating to him/herself);
- ☐ Disclosure of trade secrets would cause substantial injury to the competitive position of the involved company; or
- ☐ Intra-agency memoranda and draft/non-final determinations of the agency.

RIDA is required to maintain the following records:

- ☐ A record of any abstention or "No" vote for an action item at each meeting. As a practical matter this should be included in the minutes to each board and committee meeting.
- ☐ A list of the names, public office address, title and salary (at the present time not applicable) of every officer and staff member of the agency.
- ☐ A detailed list of the subject matter of all records in the possession of the agency.

### **Unwarranted Invasion of Personal or Business Privacy**

The RIDA shall not permit an unwarranted invasion of personal privacy through access to its records. An unwarranted invasion of personal privacy includes, but is not limited to:

- ☐ Disclosure of personal matters as may have been reported in confidence and which are not Relevant to the ordinary work of the IDA;
- ☐ 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;

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- ☐ Disclosure of items involving the medical or personal records of a client, staff or patient in a hospital or medical facility.
- ☐ The sale or release of lists of names and addresses in the possession of the IDA if such lists would be used for private, commercial or fundraising purposes;
- ☐ 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 IDA;
- ☐ Disclosure of personal or business financial statements or other business proprietary information of a closely held (non-public traded) business concern.

## **Records Access Officer and Appeals Officer**

RIDA has designated its Executive Director as the records access officer for the purposes of FOIL. RIDA has designated its Chairman of the Board as the appeals officer. The records access officer has the duty of coordinating the agency's response to public request for records.

## **Requests for Access to RIDA Records**

Records of the RIDA may be requested in writing or email from the agency's Records Access Officer as follows:

- ☐ By regular mail at: Records Access Officer RIDA, 4 West Second Street, Riverhead, NY 11901;
- ☐ By electronic mail at: [director@riverheadida.org](mailto:director@riverheadida.org)

The request must include the name of the contact person, the contact person's regular mailing address, the contact person's email address and the contact person's telephone number.

Copies of RIDA documents, if they exist, produced pursuant to a FOIL request shall be provided upon pre- payment of \$.25 per page copied for up to 9" X 14" inch documents, or the actual cost of reproducing any other record, except when a different fee is otherwise prescribed by statute. The RIDA may charge for a copy of a record based on the actual cost of reproduction and may include the following:

- ☐ An amount equal to the hourly salary attributable 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
- ☐ The actual cost of the storage device or media provided to the person making the request; or;
- ☐ The actual cost to the agency 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.

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RIDA must respond in writing to requests for information within five (5) business days of receipt by either:

- ☐ Making the record available;
- ☐ Denying access and providing the reason(s) for the denial; or
- ☐ Acknowledging the request and stating the approximate date when the request will be granted (normally within 20 days from the date of acknowledgement unless otherwise stated in writing).

Should the Records Access Officer deny access, said denial may be appealed to the Records Appeal Officer by the individual requesting the record. The Records Appeal Officer shall be the Chairman of the Board of the Agency and send to the same address as for the original record request. The final decision to deny access shall be in writing and state the reason thereof.

Approved: September 8, 2025

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# Application for Public Access to Records

PLEASE ADDRESS ALL FOIL REQUESTS TO:

Record Access Officer

# Riverhead Industrial Development Agency

4 West Second Street, Riverhead, NY 11901

Email: [director@riverheadida.org](mailto:director@riverheadida.org)

\_\_\_\_\_: I HEREBY APPLY TO INSPECT THE FOLLOWING RECORD(S):

\_\_\_\_\_: I REQUEST COPIES OF THE FOLLOWING RECORD(S):

## Description of Request

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Tax Map Number of Requested Property: \_\_\_\_\_

Address of Requested Property: \_\_\_\_\_

Requested by:

Signature \_\_\_\_\_

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Printed Name

Company Name (if applicable)

Date \_\_\_\_\_

Mailing Address (street number, street name, town/city, state and zip code)

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Phone Number

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Email Address

For Agency Use Only

☐ Approved

☐ Denied (for the reason(s) checked below)

Signature \_\_\_\_\_

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Title \_\_\_\_\_

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Date

FOIL NUMBER

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## REASONS FOR DENIAL

FOIL NUMBER \_\_\_\_\_

- ☐ Record(s) specifically exempted from disclosure by state or federal statute: \_\_\_\_\_ (provide applicable state or federal statute section).
- ☐ Disclosure would constitute an unwarranted invasion of personal privacy as follows:
  - disclosure of employment, medical or credit histories or personal references to applicants or applicants for employment;
  - 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;
  - disclosure of information of a personal nature reported in confidence to an agency and not relevant to the ordinary work of such agency;
  - release of names and addresses of those persons filing complaints.
  - disclosure of personal matters as may have been reported in confidence and which are not relevant to the ordinary work of the IDA;
  - the sale or release of lists of names and addresses in the possession of the IDA if such lists would be used for private, commercial or fundraising purposes;
  - 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 IDA;
  - for employment, except such records may be disclosed when the applicant has provided a written release permitting such disclosure;
  - disclosure of personal or business financial statements or other business proprietary information of a closely held (non-public traded) business concern.
- ☐ Disclosure would impair present imminent contract awards or collective bargaining agreements.
- ☐ Records are trade secrets or are maintained for the regulation of commercial enterprise which, if disclosed, would cause substantial injury to the competitive position of the subject enterprise.
- ☐ Records are compiled for law enforcement purposes and, if disclosed, would:
  - interfere with law enforcement investigations or judicial proceedings;
  - identify a confidential source or disclose confidential information relating to a criminal investigation;
  - reveal criminal investigative techniques or procedures, except routine techniques and procedures.
- ☐ Disclosure would endanger the life or safety of a person or persons.
- ☐ Record(s) are inter-agency or intra-agency materials which are not:

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- factual or statistical tabulations or data;
- instructions to staff that affect the public;
- final agency policy or determinations.

## **EXPLANATIONS OF REASONS FOR DENIAL:**

**PLEASE NOTE: APPLICANTS MAY APPEAL A DENIAL BY FILING A NOTICE OF APPEAL WITHIN 30 DAYS OF RECEIPT OF THE NOTICE OF DENIAL ADDRESSED TO THE CHAIRMAN OF THE BOARD, FOIL RECORDS APPEALS OFFICER, [director@riverheadida.org](mailto:director@riverheadida.org)**