Policy Statement

The New York Freedom of Information Law is a series of laws designed to guarantee that the public has access to public records of governmental bodies in New York as set forth in the Public Officers Law §§ 84–90 of Chapter 6 of Article 47 of the Consolidated Laws of New York. As applied to FIT, it makes certain business and operating records of the college available to the public. New York Freedom of Information Law (FOIL) requests are handled reasonably, in a responsible and respectful manner, in compliance with the law. In conformance with FOIL, the college has designated a Records Access Officer. Requests for information from the college should be directed to the Records Access Officer. Appeals for denial of access to record requests should be directed to the Records Access Appeals Officer.

Reason for the Policy

The Fashion Institute of Technology reaffirms its compliance with the New York Freedom of Information Law. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

Who is Responsible for this Policy

- Records Access Officer (General Counsel and Secretary of the college)
- Records Access Appeals Officer (Vice President for Human Resource Management and Labor Relations)

Who is Affected by this Policy

- All members of the FIT community – students, faculty, administrators and staff

Definitions

N/A

Principles

Within five business days of the receipt of a written request for a record reasonably described, FIT shall make such record available to the person requesting it, deny such request in writing or furnish a written
acknowledgement of the receipt of such request and a statement of the approximate date, which shall be reasonable under the circumstances of the request, when such request will be granted or denied. If the Records Access Officer determines to grant a request in whole or in part, and if circumstances prevent disclosure to the person requesting the record or records within twenty business days from the date of the acknowledgement of the receipt of the request, FIT shall state, in writing both the reason for the inability to grant the request within twenty business days and a date certain within a reasonable period, depending on the circumstances, when the request will be granted in whole or in part.

An applicant may appeal if FIT has not acted within ten business days of the acknowledgement. The college may either grant or deny access to the records requested or certify that it does not have or cannot find the records after a diligent search. Appeals from a denial of access may be taken within thirty days. Reference should be made to the full text of the law for a comprehensive understanding of its requirements.

Responsibilities

- **Records Access Officer**
  Responsible for ensuring compliance with FOIL and with this policy through appropriate response to requests for access to records.

- **Records Access Appeals Officer**
  Responsible for reviewing the denial of access to any record.

Procedures

- **Designation of Records Access Officer and Records Access Appeals Officer**
  o The President shall designate a Records Access Officer and a Records Access Appeals Officer

- **Access to Public Records**
  o The President shall prepare and publish procedures to be followed to allow public access to records in keeping with the Freedom of Information Law.
  o The procedures shall include provision for the appeal of any denial of access to records.
  o The procedures shall be consistent with the requirements of the Freedom of Information Law as it may be amended by the State of New York from time to time.
  o Copies of the procedures shall be made available on written request through the Records Access Officer.

- **Appeals from the Denial of Access to Records**
  o The President shall determine appeals regarding denial of access to records under the Freedom of Information Law.
  o The President may delegate the determination of any appeal, or all appeals, in his/her discretion.
  o The Records Access Appeals Officer shall within ten business days of the receipt of such appeal fully explain in writing to the person requesting the record the reasons for further denial, or provide access to the record sought.
Fees

- The college may charge and collect such fees as are permitted by the Freedom of Information Law.

Public Notice

- The college shall publish a notice containing:
  - The title or name and business address of the Records Access Officer and the Records Access Appeals Officer;
  - Either a copy of the procedures established pursuant to this Policy or a location where those procedures may be readily obtained; and
  - A statement that appeals from the denial of access to public records should be addressed to the President or, if appropriate, his/her designee, who is the Records Access Appeals Officer.

- The notice shall be published:
  - On the college website; and
  - Anywhere else the President determines to be appropriate.

Violations

N/A

Related Policies

- Family Educational Rights and Privacy Act (FERPA)
- Records Retention and Disposition

Related Documents

- Freedom of Information Law (FOIL) - Public Officers Law, Article 6
- HIPAA

Contacts

- Records Access Officer
  (General Counsel and Secretary of the college)
  (212) 217-4030
  ogc@fitnyc.edu

- Records Access Appeals Officer
  (Vice President for Human Resource Management and Labor Relations)
  (212) 217-3650
  humanresources1@fitnyc.edu