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Legal Alert: Charter Schools Receiving FOIL Requests

Like a number of New York charter schools, you may have recently received requests for information from the New York State United Teachers (NYSUT) or the Civil Service Employees Association (CSEA) under the state Freedom of Information Law (FOIL). This alert provides an overview of your responsibilities when you receive a FOIL request and what information you do and do not have to disclose.

Response Time

You must respond in writing within 5 business days from receiving a FOIL request. Business days do not include days your school is on break. You may respond by providing the information, by denying the request (if applicable), or by stating when the information will be available. If you need additional time to provide the information, it must be reasonable under the circumstances and generally may not exceed 20 business days from your initial response.

Disclosure

There is certain information that you may or must omit from disclosure when you respond to a FOIL request. First, you do not have to disclose any information that would cause an unwarranted invasion of personal privacy. This includes:

- employment, medical, or credit histories or personal references of employment applicants;
- lists of names and addresses if the person requesting such lists intends to use them for solicitation or fund-raising purposes;
- information of a personal nature when disclosure would result in economic or personal hardship to the subject party;
- disclosure of information of a personal nature reported to you in confidence;
- information of a personal nature contained in a workers' compensation record.

If someone submits a FOIL request for lists of names and residential addresses, you may ask for an assurance that the list will not be used for solicitation, commercial, or fund-raising purposes. You may deny access to these lists if you do not receive this assurance.

If you receive a FOIL request for students' education records, you generally may not release any personally identifiable information from those records without written parental consent.

Additionally, you only need to provide information that you already have. You do not need to generate information solely to respond to a FOIL request.

This alert is meant to provide general information only, not legal advice. Please contact Lindsey Jones at (212) 219-1800 ext. 228 if you have any questions about this alert.

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