



SCHOOL DISTRICTS RECORDS-REGULATION

The following comprises the rules and regulations relating to the inspection and production of school district records:

I. Designation of Officers

1. The Superintendent of Schools, with the Board's approval, will designate a Records Management Officer for the district. The Records Management Officer will develop and oversee a program for the orderly and efficient management of district records, including maintenance of information security as it pertains to release of district records. The Records Management Officer will ensure proper documentation of the destruction of records, in accordance with the schedule.
2. The Board Clerk will assume the role of Records Access Officer. The Records Access Officer will receive FOIL requests for the Hudson City
3. School District, and is responsible for:
 - Receiving requests for records of the Board of Education.
 - Communicating with person(s) making the request
 - Making such records available for inspection or copying when such requests are granted.
 - Ensure that district information that is not permitted to be released is not released (see section IV. Records Exempted from Public Access, below); and
 - Compile and maintain a detailed current list by subject matter, of all records in the possession of the Board, whether or not available to the public;
 - Maintain information security.

II. Definition of Records

1. A record is defined as any information kept, held, filed, produced or reproduced by, with or for the district in any physical or digital form whatsoever, including but not limited to reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or disks, rules, regulations or codes.
2. The Records Access Officer will have the responsibility for compiling and maintaining the following records:
 - a. a record of the final vote of each member of the Board on any proceeding or matter on which the member votes;
 - b. a record setting forth the name, school or office address, title and salary of every officer or employee of the district; and
 - c. a reasonably detailed current list by subject matter of all records in possession of the district, whether or not available for public inspection and copying.
3. No record for which there is a pending request for access may be destroyed. However, nothing in these regulations will require the district to prepare any record not possessed or maintained by it except the records specified in II (2), above.

III. Access to Records

Applicants are encouraged to submit a FOIL request using the 1120-E.1 form and

optional 1120-E.2 form which can be found on the district website.

1. Records may be requested from, and inspected or copied at, the Office of the Records Access Officer, Board Clerk, at the Hudson City School District Office during the hours of 8:00 a.m. to 3:30 p.m. on any business day on which the district offices are open. Records may also be requested via e-mail at the following address hudsconcsd.org.
2. The fee is the actual cost of reproducing the record. If paper copies are required, payment of a fee of \$.25 per photocopy will be charged for pages up to 9 by 14 inches; for larger pages, the fee will be the actual cost of reproduction. No fee is applied for digital copies.
3. All requests for information will be responded to within five business days of receipt of the request. If the request cannot be fulfilled within five business days, the Records Access Officer will acknowledge receipt of the request and provide the approximate date when the request will be granted or denied.
4. If a request cannot be granted within 20 business days from the date of acknowledgement of the request, the district must state in writing both the reason the request cannot be granted within 20 business days, and a date certain within a reasonable period when it will be granted depending on the circumstances of the request.
5. Denial of Access: When a request for access to a public record is denied, the Records Access Officer will indicate in writing the reasons for such denial, and the right to appeal.
6. Appeal: An applicant denied access to a public record may file an appeal by delivering a copy of the request and a copy of the denial to the Superintendent within 30 days after the denial from which such appeal is taken.
7. The applicant and the New York State Committee on Open Government will be informed of the Superintendent's determination in writing within 10 business days of receipt of an appeal. The Superintendent will transmit to the Committee on Open Government photocopies of all appeals and determinations.

IV. Records Exempted from Public Access

The provisions of this regulation relating to information available for public inspection and copying do not apply to records that:

1. are specifically exempted from disclosure by state and/or federal statute;
2. if disclosed would constitute an unwarranted invasion of personal privacy;
3. if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
4. are trade secrets, or are submitted to the Board by a commercial enterprise (e.g., a for-profit business entity) and which if disclosed would cause substantial injury to the competitive position of that enterprise;
5. are compiled for law enforcement purposes and which, if disclosed, would:
 - a. interfere with law enforcement investigations or judicial proceedings (except that if the district is not conducting the investigation, it must receive confirmation from the agency conducting the investigation that disclosure would interfere with an ongoing investigation);
 - b. deprive a person of a right to a fair trial or impartial adjudication;
 - c. identify a confidential source or disclose confidential techniques or procedures, except routine techniques or procedures; or
 - d. reveal criminal investigative techniques or procedures, except routine techniques and procedures;
6. which if disclosed would endanger the life or safety of any person;
7. which are interagency or intra-agency communications, except to the extent that such materials consist of:

- a. statistical or factual tabulations or data;
 - b. instructions to staff which affect the public;
 - c. final Board policy determinations; or
 - d. external audits, including but not limited to audits performed by the comptroller and the federal government;
8. which are examination questions or answers that are requested prior to the final administration of such questions;
 9. which if disclosed would jeopardize the district's capacity to guarantee the security of its information technology assets (which encompasses both the system and the infrastructure).

IV. Prevention of Unwarranted Invasion of Privacy

To prevent an unwarranted invasion of personal privacy, the Records Access Officer may delete identifying details when records are made available. An unwarranted invasion of personal privacy includes but is not limited to:

1. disclosure of confidential personal matters reported to the Board which are not relevant or essential to the ordinary work of the Board;
2. disclosure of employment, medical or credit histories or personal references of applicants for employment, unless the applicant has provided a written release permitting such disclosure;
3. sale or release of lists of names and addresses in the possession of the Board if such lists would be used for private, commercial or fund-raising purposes;
4. disclosure of information 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 Board; or
5. disclosure of items involving the medical or personal records of a client or patient in a hospital or medical facility.

Unless otherwise deniable, disclosure is not construed to constitute an unwarranted invasion of privacy when identifying details are deleted, when the person to whom records pertain consents in writing to disclosure, or when upon presenting reasonable proof of identity, a person seeks access to records pertaining to them.

Additionally, even if a release of PII would be permitted under the state's Freedom of Information Law (FOIL), the district will not use or disclose any such PII unless it benefits students and the district, in conformance with state Education Law §2-d ("§2-d") and state regulations 8 NYCRR Part 121 ("Part 121"). Releases that "benefit students and the district" include:

- improving academic achievement,
- empowering parents and students with information, and/or
- advancing efficient and effective school operations.

The Superintendent, the district's Data Protection Officer, and the district's attorney, if necessary, will assist in determining whether complying with a FOIL request can be done in conformance with §2-d and Part 121.

V. Listing of Records

Pursuant to Section 87(3)(c) of the Public Officers Law, the current records retention schedule for school districts, published by the Commissioner of Education, serves as the list by

subject matter of all records in the possession of the school district, whether or not available under the law. The Superintendent or designee, in consultation with the Records Management Officer, will develop and disseminate department-specific guidance so that staff can implement this policy and regulation.

VI. Litigation-Hold

The Superintendent will designate a “discovery” team, consisting of the school attorney, the Records Access Officer, Records Management Officer, and other personnel as needed. The discovery team will convene in the event that litigation is commenced to plan to respond to the request for records. The Superintendent, with assistance from the Board Clerk, will ensure that measures are put in place to preserve applicable records.

Cross-ref:

Ref:

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