

Geneva Police Department <b>GENERAL ORDERS</b>		<b>FREEDOM OF INFORMATION LAW (FOIL) REQUESTS</b>	
<input type="checkbox"/> new: <input checked="" type="checkbox"/> rescinds: Policy & Procedure 8.1 and 8.3-8 <input type="checkbox"/> amends:		<b>cross-reference:</b>  <b>Accreditation/Recognition standards:</b> C.A.L.E.A.: NYS L.E.A.P.: 8.7	
<b>effective date:</b> 9.16.05	<b>issue/amend/review date:</b> 9.16.05 / 10.30.13 / 11.12.19		

<b>I. PURPOSE</b>	The purpose of this General Order is to establish and describe policies and procedures for the release of information to the public through the Freedom of Information Law (FOIL) requests.
<b>II. POLICY</b>	It is the policy of the Geneva Police Department to comply with the Freedom of Information Law and to release information and records as set forth in Article 6, of the Public Officers Law of the State of New York and with the Public Access to Records of the City of Geneva Resolution #61-2019.
<b>III. EXEMPT RECORDS</b>	<p><b>A.</b> All records and reports generated by the Geneva Police Department are considered to be secure from unauthorized access and review. Requests from the public for information on records that are considered to be non-public must be obtained through a FOIL Request.</p> <p><b>B.</b> According to Article 6, of the Public Officers Law, the following records compiled by the Geneva Police Department which <b>are not</b> subject to inspection or copying include, but are not limited to:</p> <ol style="list-style-type: none"> <li>1. Records that are specifically exempt from disclosure by State or Federal statute.</li> <li>2. Records that would constitute an unwarranted invasion of personal privacy under the provisions of Article 6, §89(2) of the NYS Public Officers Law.</li> <li>3. Records that would impair present or imminent contract awards or collective bargaining negotiations.</li> <li>4. Records of a commercial enterprise or derived from information obtained from a commercial enterprise which if disclosed would cause substantial injury to the competitive position of the subject enterprise.</li> <li>5. Records which are compiled for law enforcement purposes and, which, if disclosed, would:           <ol style="list-style-type: none"> <li>a. Interfere with law enforcement investigation or judicial proceedings;</li> <li>b. Deprive a person of a right to a fair trial or impartial adjudication;</li> <li>c. Identify a confidential source or disclose confidential information relating to a criminal investigation; or</li> <li>d. Reveal criminal investigative techniques or procedures, except routine techniques and procedures.</li> </ol> </li> <li>6. Records whose disclosure would endanger the life or safety of any person.</li> </ol>

<p><b>III. EXEMPT RECORDS (CONT.)</b></p>	<p>7. Inter-agency or intra-agency materials or records which are not:</p> <ul style="list-style-type: none"> <li>a. Statistical or factual tabulations or data;</li> <li>b. Instructions to staff that affect the public; or</li> <li>c. Final agency policy or determinations;</li> </ul> <p>8. Examination questions or answers, which are requested prior to the final administration of such questions.</p> <p>9. Computer access codes or passwords.</p>
<p><b>IV. FOIL REQUEST PROCEDURES</b></p>	<p><b>A.</b> Requests from the public for copies of records which are considered to be non-public, shall be referred to the Geneva City Clerk’s Office. The City Clerk will supply the individual with a form entitled “Application for Access to Records” and ask that it be completed.</p> <p><b>B.</b> Upon receipt of the completed “Application for Access to Records”, the City Clerk will forward a copy of the request the Office of the Chief of Police and City Attorney.</p> <p><b>C.</b> Within five (5) business days of receipt of the “Application for Access to Records” form, the Chief of Police or the Chief of Police’s designee is required to:</p> <ul style="list-style-type: none"> <li>1. Make the record(s) available; or</li> <li>2. Deny such request in writing; or</li> <li>3. Acknowledge the receipt of such request and advise the individual of the approximate date when such request will be granted or denied; or</li> </ul> <p><b>D.</b> In the event that the release of requested information is questionable, the Chief of Police will consult with the City Attorney on the matter.</p> <p style="text-align: right;">Approved By</p> <p style="text-align: right;"><b>MICHAEL J. PASSALACQUA</b> <i>CHIEF OF POLICE</i></p>