

Freedom of Information Law (FOIL)

In compliance with the New York State Freedom Of Information Law (FOIL), Public Officers Law, Article 6, Sections 84-90, the Hudson River Valley Greenway will respond to requests for records made in person, by mail and by email.

Several documents are available on our website. If you do not find what you are looking for on the website, you may request documents in a letter or by email.

If the records you seek are maintained on the internet, we will inform you that the records are accessible via the internet, and in printed form or other storage medium.

To request records:

To request records by mail, please send correspondence to:

Records Access Officer
Hudson River Valley Greenway
625 Broadway – 4th Floor
Albany, NY 12207

To request records by email, please use the following email address:

FOIL@hudsongreenway.ny.gov

To request records in person, please call (518) 473-3835 to make an appointment to come in and make your request.*

The Hudson River Valley Greenway is located at 625 Broadway, 4th Floor, Albany, NY. Records are available for inspection and copying between the hours of 9:00 AM and 4:45 PM.*

*Due to security measures in the building, inspection of records may be done **by appointment only**. Appointments may be made by calling (518) 473-3835. The fee for copies of records is twenty-five (25) cents per photocopy not in excess of nine inches by fourteen inches, or the actual cost of reproducing any other record.

After submission of a request:

Within five (5) business days of a request, the Hudson River Valley Greenway will respond by one of the following:

1. informing the person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;
2. granting or denying access to records in whole or in part;
3. acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under

the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part; or

4. if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.

Note: In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

Records that are not subject to FOIL:

According to Article 6 Section 87 of the Public Officers Law, the following types of documents are exempt from disclosure:

- (a) are specifically exempted from disclosure by state or federal statute;
- (b) if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eighty-nine of Article 6 of the Public Officers Law (such as home telephone numbers, home addresses and Social Security numbers);
- (c) if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
- (d) are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise;
- (e) are compiled for law enforcement purposes and which, if disclosed, would:
 - i. interfere with law enforcement investigations or judicial proceedings;
 - ii. deprive a person of a right to a fair trial or impartial adjudication;
 - iii. identify a confidential source or disclose confidential information relating to a criminal investigation; or
 - iv. reveal criminal investigative techniques or procedures, except routine techniques and procedures;
- (f) if disclosed could endanger the life or safety of any person;

(g) are inter-agency or intra-agency materials which are **not**:

- i. statistical or factual tabulations or data;
- ii. instructions to staff that affect the public;
- iii. final agency policy or determinations; or
- iv. external audits, including but not limited to audits performed by the comptroller and the federal government; or

(h) are examination questions or answers which are requested prior to the final administration of such questions;

(i) if disclosed, would jeopardize an agency's capacity to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures; or

(j) are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-a of the vehicle and traffic law.

If your request is denied:

Within thirty (30) days of a request being denied, you may appeal in writing a determination that some or all of the records that you requested are being withheld at the following address:

Appeals Officer
Hudson River Valley Greenway
625 Broadway – 4th Floor
Albany, NY 12207
Telephone: (518) 473-3835

If your original request for records is not responded to in the timeframes stated in the above sections, this also constitutes a denial of the request, and may be appealed.

Once an appeal is received, the Appeals Officer will respond within ten (10) business days by granting access to the records sought or fully explaining the reasons for further denial in writing, and will notify the Committee on Open Government of the appeal and the final determination.

For further information about the Freedom Of Information Law, please visit the New York State Department of State Committee on Open Government:

<http://www.dos.state.ny.us/coog/coogwww.html>