

## **Summary of Freedom of Information Act (FOIA)**

### **General Information about the Act:**

- The purpose of the Freedom of Information Act is to inform people so that they may fully participate in the democratic process.
- FOIA Requirements:
  - Must release requested public record that is not exempt under the statute.
  - A request must be made in writing.
  - A public record is “a writing prepared, owned, used in the possession of, or detained by a public body in the performance of an official function.”
  - A government organization is not required to create a new record or summarize a record.
  - PSA may charge a fee for duplication (including labor) and mailing but there are limits in the Act.
  - Must respond within 5 business days but can extend to 10 if there is a reason for the delay and that is communicated to the requesting individual or organization.
  - Board designates the FOIA Coordinator to handle requests.
- You can contact the individual making the request by phone but responses should be in writing.
- You are not allowed to inquire as to the reason for the request.

### **Examples of Documents Subject to FOIA:**

- Financial documents such as budgets, checks and supporting documents (i.e., cash flows).
- Personnel records and payroll information EXCEPT items considered an unwarranted invasion of a person’s privacy, such as social security numbers, income tax information, etc. Personnel records that are subject to FOIA are evaluations and disciplinary documentation.
- Emails and text messages, even if on personal devices, if related to school matters.
- Directories of school staff that include names, personal phone numbers, etc. if such material is available at the school. If you do not have these types of directories, personal or unlisted phone numbers are not subject to FOIA.

### **Examples of Documents NOT Subject or Permitted to Disclose Under FOIA:**

- Student information such as names, phone numbers, and addresses protected under The Family Educational Rights and Privacy Act (FERPA).
- Individual student educational testing or transcript information.
- Other information that is prohibited to be released by another federal law such as HIPAA.
- Closed session minutes from board meetings.
- Information from an ongoing investigation that could prevent an individual from receiving a fair trial or administrative proceeding (school discipline matter).
- Computer software specifications or information.
- Appraisals of property.
- Information pertaining to safety and security procedures, plans, security codes, etc.

### **What Fees are Allowed to Charge:**

The cost for time and materials for FOIA requests are paid at the rate of the lowest paid hourly employee who can perform the service, plus materials. However, a school can charge a fee only if its FOIA procedures and guidelines (including the itemized fee form) are posted on the school’s website in compliance with the 2015 FOIA amendments. Hourly wage rates are determined in 15-minute increments.