

*The City University of New York*  
*Office of the General Counsel and Vice Chancellor for Legal Affairs*  
*535 East 80th Street, New York, N.Y. 10021*  
*Phone: (212) 794-5382*  
*Fax: (212) 794-5426*

*Robert E. Diaz*  
*General Counsel*  
*Roy P. Moskowitz*  
*Deputy General Counsel*


*Abby L. Jennis*  
*Daphna H. Mitchell*  
*Linda Myles*  
*Paul F. Occhiogrosso*  
*Lisa Okubo*  
*Katherine Raymond*  
*Michael D. Solomon*  
*Jane Sovera*  
*Esdras Tuller*  
*Associate General Counsel\**

ADMINISTRATIVE ADVISORY  
MEMORANDUM NO. 95-2

October 6, 1995

Memorandum

To: College Presidents

From: Vice Chancellor Robert E. Diaz 

Re: Freedom of Information Law Requests/General Guidance

Several college presidents have requested general guidance concerning the Freedom of Information Law. As always, my office is available to assist your campus records access officers in responding to specific Freedom of Information Law requests. I would, however, like to provide you and your staff with some general guidance when responding to requests for information.

1. Ask that all document requests other than routine and regular document requests, be in writing. In the past, the University provided documents in response to an oral request. Upon receiving the documents the recipient has, at times, complained that the document provided was not what had been requested. A written document request will avoid such confusion.
2. Immediately upon receipt of a written Freedom of Information Law request, transmit the requests to your records access officer.
3. A request for records must reasonably describe the records requested. A record is reasonably described when the description enables the agency to locate the records in question.
4. Within five business days of receipt of a written request for records, the records access officer must:

- (i) make such records available; or
  - (ii) deny the request in writing, stating the basis for the denial; or
  - (iii) furnish a written acknowledgment of receipt of such request and a statement of the approximate date when the request will be granted or denied. This may include a statement that documents will be provided, but that additional time (approximate date) will be needed to produce them.
  - (iv) If a request is denied, the requester should be informed of his or her right to appeal to this office.
5. Although a fee for photocopying may be charged, not to exceed .25 cents per page, we generally extend the media the courtesy of providing them the documents requested at no cost when such costs are not excessive.
6. Where a Freedom of Information Law request asks for voluminous documents, the request can be complied with by offering to make the records available for inspection on business days during normal business hours.
7. The Freedom of Information Law does not require you to prepare or create a record not possessed or maintained by the agency. Thus, if, for example, you are asked for a summary of all purchases made from a particular account for fiscal year 94-95 and you only have original purchase orders you may:
- (i) provide copies of the purchase orders; or
  - (ii) where the number of purchase orders are voluminous, you may offer to allow the reporter to inspect the purchase orders; or
  - (iii) you may, but need not, prepare a summary document indicating the date of the purchase, the item purchased, and any other information readily ascertainable and relevant to the request.
8. The Freedom of Information Law does not require an agency to produce a document, or portions thereof that contain opinions, recommendations and advice.
9. Although the Freedom of Information Law requires that an agency provide records that are statistical or factual

tabulations or data or final agency policy or determination, preliminary budgetary data (e.g. draft documents, working papers) need not be provided, but final budgetary data must be provided.

10. Finally, it is important to remember that a document may contain information that must be disclosed [e.g. data] as well as information that need not be disclosed [e.g. advice]. In such an instance, the portions of the document that are not required to be disclosed may be redacted, and the remainder of the document must be provided.

c: Legal Affairs Designees  
Public Relations Officers  
Records Access Officers

I:AAM2.RD/iv