

Town of Thurston Release of Employee-Related Information Under FOIL

1. *Purpose*

Pursuant to Article 6 of the Freedom of Information Law (FOIL), Chapter 302 of the Laws of 2024, all agencies must develop a policy to notify public employees if their disciplinary records are being released in response to a FOIL request. This policy shall ensure the proper notification requirements, contents of the notification, delivery of the notification and define the records to be released.

2. *Definitions*

- a. FOIL – Freedom of Information Law (also referred to as Public Officers Law, Article 6, Sections 84 – 90)
- b. Record – any information kept, held, filed, produced or reproduced by, with or for an agency or the state legislature, in any physical 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 discs, rules, regulations or codes.

3. *Notification Requirement*

The Town of Thurston will provide notice to current and former public employees if their employment records are subject to a FOIL request. Notification shall occur after the records are release, in line with the legislative intent to ensure minimal notice.

4. *Content of the Notification*

The notification will include a statement informing the employee that their employment records have been released. While there is no requirement to provide a copy of the FOIL request or the released records, the Town will provide any records released to the employee.

5. *Delivery of Notification*

The notice should be delivered in writing, either via regular mail or email, depending on the availability of the employee's contact information. If a former employee is unable to be contacted, all reasonable efforts will be made and these attempts documented. Such notification efforts shall be the responsibility of the Town Clerk.

6. *Disciplinary Records*

The Town will use the definition of “disciplinary records” under Public Officers Law (POL) Section 86(6) for law enforcement, applying it to non-law enforcement employees. Counseling memos may also be classified as disciplinary records if they are related to employment discipline.

7. Resolution # 2025-3

Motion to Approve:

Second to Motion:

Roll Call:

Michael Volino _____

Holly Chase _____

Noel Sylvester _____

Dan Gee _____

Jen Hargrave _____

Adopted on January 2, 2025 by a _____ vote of the governing board of the **Town of Thurston**.

Sue Conklin, Town Clerk