

 Official Policy Manual	Date issued 4/10/2025	Page 1 of 2	Section # A-900
	Section: Administration		
	Directive: Employee Notification Upon Request for Disciplinary Records		
	Policy Owner: Office of Human Resources		

A. Policy Statement

The Freedom of Information Law (FOIL), [Article 6 \(Sections 84-90\)](#) of the NYS Public Officers Law, provides the public right to access to records maintained by government agencies with certain exceptions.

On occasion, the Office of Mental Health receives FOIL requests for employee records, which may include requests for disciplinary records.

In 2024, the Public Officers Law was amended to require all agencies to adopt a policy notifying employees when their disciplinary records are requested under FOIL (*see* Chapter 302 of the Laws of 2024).

B. Relevant Statutes and Standards

The Freedom of Information Law (FOIL), [Article 6 \(Sections 84-90\)](#) of the NYS Public Officers Law.

C. Definitions

1. Record means any information kept, held, filed, produced or reproduced by, with, or for this agency, 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 disks, rules, regulations or codes.
2. Disciplinary Records means records relating to the administration of Section 75 of the Civil Service Law, or the relevant sections of collective bargaining agreements negotiated in lieu of Section 75 of the Civil Service Law (i.e. Article 33 for CSEA and PEF and Article 8 for NYSCOPBA). Final/adjudicated disciplinary records are filed in an employee's Personnel History File.
3. Personal History Folder (PHF) means an employee's personnel file. The personal history folder contains memoranda or documents relating to the employee's employment, including appointment, benefit, work performance, and disciplinary records.

4. Records Access Officer means the person or persons designated by OMH with the responsibility of coordinating OMH's response to FOIL requests for records.

D. Persons Covered by this Policy

This policy shall extend to all *current and former* full and part-time employees, where employment records are maintained by the Office of Mental Health which contain disciplinary records.

E. Agency Responsibilities

When a FOIL request for an employee's disciplinary records has been completed, the impacted current or former employee is to be notified that the requested information has been provided.

This notification is to be provided in writing after the records have been released. Email is the preferred method of communication. When this is not viable, personal service and/or mail is appropriate.

OMH shall make all reasonable efforts to provide written notification to former employees.

F. Procedure

The Records Access Officer shall notify the Director of Employee Relations when an employee's disciplinary records are released pursuant to a FOIL request.

The Director of Employee Relations shall then notify the impacted facility/Central Office HR Director.

The impacted facility/Central Office HR Director shall notify the impacted current or former employee in writing, copying the FOIL Records Access Officer.

The FOIL Records Access Officer shall maintain a record of this notification.



**Office of
Mental Health**

KATHY HOCHUL

Governor

ANN MARIE T. SULLIVAN, M.D.
Commissioner

[Date]

[Address]

Dear XXXX:

Article 6 of the Freedom of Information Law (FOIL) provides the public the right to request access to certain records maintained by government agencies.

This notice is to inform you that the Office of Mental Health has received and complied with a FOIL request for your disciplinary records.

Sincerely,

Director of Human Resources

cc: OMH Records Officer