

CHEEKTOWAGA POLICE DEPARTMENT DETERMINATION OF AVAILABILITY OF POLICE RECORDS

Name: Sunshine Request
 Complaint Number: n/a
 Subject of Records: Personnel records of David Zack

DETERMINATION – The record(s) which you have applied to inspect:

- a.) Are not in the custody of the Cheektowaga Police Department
- b.) Cannot be identified.
- c.) Cannot be disclosed because:
 - Confidential disclosure
 - Part of Investigatory Filed
 - Record is not maintained by this agency
 - Unwarranted invasion of personal privacy
 - Record of which this agency is legal custodian cannot be found
 - Exempt by Statute other than the Freedom on Information Act
 - Other
- d.) The requested record(s) will be made available upon receipt of the cost shown in item #9.
 - Copies will be held for you at the Police Department, 3223 Union Road, Cheektowaga, NY
 - For your inspection at the Police Department, 3223 Union Road, Cheektowaga, NY

If you wish to inspect the record(s), return this form with the total amount shown below payable by check or money order, to the “Town of Cheektowaga.”

Cost of making disclosable record(s) available for inspection:

	Estimated	Actual
Record Search		
Copying		
Certification		
Postage		
TOTAL		

Official making determination: Lt. Chludzinski 464

Date: 02/20/2020

Personnel files of Police Officers are specifically exempt from section 87(2) as they are protected by section 50-a of the Civil Rights law as to not be accessible by FOI request.

The other exception cited by the Department relates to §87(2)(a) of FOIL, which pertains to records that are "specifically exempted from disclosure by state or federal statute", and which is coupled with §50-a of the Civil Rights Law. Section 50-a, as you are aware, pertains to personnel records concerning police officers that are "used to evaluate performance toward continued employment or promotion".