



ERIE COUNTY WATER AUTHORITY
INTEROFFICE MEMORANDUM

March 17, 2019

To: Jerome D. Schad, Chairman
Mark S. Carney, Vice Chairman
E. Thomas Jones, Treasurer

From: Margaret A. Murphy, Attorney
David C. Mineo, Associate Attorney

Subject: 2018 FOIL Audit

The Erie County Water Authority (the “Authority”), in keeping with its pledge to the public and its customers to operate in an open and transparent manner, has adopted [Freedom of Information Law: Policy & Procedure for Accessing Public Record](#) (“FOIL Policy”). Pursuant to Section 13 of the FOIL Poicy , the Legal Department has performed a FOIL Audit for calendar year 2018. We have gone through all FOIL files, both paper and electronic, for this period using the established FOIL checklist, a copy of which is attached to this memorandum.

2018 FOIL REQUESTS

In 2018, the Authority received 45 FOIL requests. In reviewing these paper and electronic files, we have determined following one file failed the audit.

ONE FAILED FOIL FILE

FOIL 2018-0018 Received: May 2, 2018 Telvock, Dan (WIVB)

Request: Lead and Copper Rule sample site and test results

Problem: An initial five-day response was due May 9, 2018. This FOIL request was overlooked, and no acknowledgement or response was sent until May 14, 2018, making it three business days late. Associate Attorney, Tim Gallagher, called Mr. Telvock, to apologize for the delay and immediately sent the information responsive to the FOIL request, eight business days after the FOIL request was made.

In August of 2018, the Legal Department and the Secretary of Authority implemented a calendar and tracking system. Most FOIL requests are received via email, thereby establishing the date and time of such request. When FOIL requests

are sent by mail, the correspondence is scanned and emailed to foil@ecwa.org, thereby establishing the date of when the request was received. The Legal Department has always established a FOIL Log, using an excel spreadsheet to calculate deadlines. A FOIL file is opened, and a check list is prepared to track the progress and stage of each response. Additionally, all FOIL requests are placed on the Board's agenda as "Communications." These steps have been taken to ensure FOIL request are not overlooked. No FOIL request has been overlooked and no response has been submitted late since this calendar and track system has been implemented.