



## ERIE COUNTY WATER AUTHORITY INTEROFFICE MEMORANDUM

To: Jerome D. Schad, Chair  
Peggy A. LaGree, Vice Chairman  
Michele M. Iannello, Treasurer

Cc: Terrence D. McCracken, Secretary  
Karen A. Prendergast, Chief Financial Officer  
Russell J. Stoll, Chief Operating Officer  
Leonard F. Kowalski, Executive Engineer  
Jacqueline Mattina, Associate Attorney

From: Mark S. Carney, General Counsel  
Darlene A. Sikorski, Deputy Associate Attorney

Subject: 2021 FOIL Audit

Dated: February 15, 2022

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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 the [Freedom of Information Law: Policy & Procedure for Accessing Public Records](#) (“FOIL Policy”). In accordance with FOIL Policy § 13, the Legal Department conducted an annual FOIL Audit for calendar year 2021.

### 2021 FOIL REQUESTS

During 2021, the Authority received 37 FOIL requests.<sup>1</sup> Paper files were opened for each FOIL request and duplicated by use of an electronic file. The paper files of all 37 requests were reviewed using the FOIL checklist in use since September 2018. The Legal Department reviewed each paper file twice to verify the date of each request, deadline dates, and the actual initial and final response dates. The Legal Department also has access to the electronic files, which it reviewed as needed to complete the audit.

In reviewing the paper and electronic files, the Legal Department determined not one file had information showing non-compliance with the FOIL Policy and two individuals withdrew their requests.

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<sup>1</sup> The Board may want to compare this FOIL Audit with prior audits by clicking on the following hyperlinks: [2018 Audit, dated March 17, 2019](#); [2019 Audit, dated March 27, 2020](#); [2020 Audit, dated January 12, 2021](#).

## FINDINGS

The Office of the Secretary assigns a FOIL file number to each email sent to [foil@ecwa.org](mailto:foil@ecwa.org). Of the 37 FOIL requests received, two (2021-0008 and 2021-0021) were withdrawn, and the remaining 35 requests all passed the audit which included one FOIL timely denied information access via an explanatory letter.

According to the file documents available, one FOIL request (2021-0015) received an access denial to the requested records by way of a Legal Department explanatory letter and the decision was not appealed. Lastly, no appeal was filed with the Board of Commissioners regarding a FOIL request submitted within the year 2021.

The Legal Department found that requested public documents and information were supplied within five business days for 25 of the remaining 34 FOIL requests. When the Office of the Secretary was unable to provide requested documents within five business days, a response letter was sent within 5 days acknowledging the request and informing the requestor that the information would be provided within 20 business days. Of the remaining 34 cases, the Secretary timely provided documents and information requested within the statutory deadline period for 34 cases and an Associate Attorney provided one denial explanatory letter within the statutory period.

The Board should commend the Secretary and his staff for a job well done.

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