



OFFICE OF THE CHIEF PROCUREMENT OFFICER
ONE WEST STREET, 1ST FLOOR
MINEOLA, NEW YORK, 11501

MEMORANDUM

To: All Department Heads and DCCOs

From: Robert Cleary, Chief Procurement Officer

CC: John Chiara, Deputy County Executive for Compliance
Jared Kasschau, County Attorney

Re: Contract Redaction Policy

Date: February 14, 2020

I. INTRODUCTION

To promote transparency in County contracting, it is the policy of the Clerk of the Legislature to publish online certain contracts, known as “A,” “B,” “E,” and “U” contracts, submitted for review by the County Legislature. The New York State Public Officers Law allows the public to access County documents and written communications with certain exceptions for information of a personal or proprietary nature. Although the County must collect such private information as part of conducting its due diligence, it is important for the County to protect such excluded information from undue release to the public. This policy is to establish contract redaction procedures for departments and vendors to prevent release of excludable information.

II. PURPOSE

To ensure that vendor information of a personal or proprietary nature is not released to the public in contracting processes.

III. SCOPE

This policy establishes redaction procedures for all contract and due diligence documents submitted by vendors.

IV. CONTRACT REDACTION PROCEDURE

For any contract action that will be posted online by the Clerk of the Legislature, the following procedure shall be followed:

Upon selection of a proposed awardee of a new contract, or in the case of an amendment or renewal, the contracted vendor, shall submit, along with the unredacted version, a duplicate redacted version of any bid, proposal, disclosure form, or other information that may be included in a County contract package. Such redacted paperwork will be posted on the County Legislature's website upon filing the proposed contract for Legislative approval.

The redacted paperwork shall be identical to the paperwork being submitted for consideration by the department, except that the vendor shall redact all information of a private or personal nature. If no redacted paperwork is submitted with the contract package, it will be understood that an unredacted version of the paperwork is acceptable for posting on the County website.

Redactions must be limited to information that is excepted from FOIL disclosure under Article 6 of the New York State Public Officers Law. This includes, but is not limited to, Social Security Numbers, home or personal telephone numbers, home addresses, personal e-mail addresses or social network usernames, information of a personal nature where disclosure would result in economic or personal hardship, and trade secrets or similar information the disclosure of which would cause substantial injury to the competitive position of the person or company providing it. For redactions of information that would result in economic or personal hardship and/or trade secrets, the vendor shall explain the reason(s) for each redaction. Further, the County reserves the right to post unilaterally materials which reject Contractor redactions or make additional redactions. The Contractor will receive notice of any such changes.

Failure by a vendor to submit redacted paperwork or paperwork where redactions are not explained shall be deemed to have given their consent to the posting of the unredacted paperwork in its entirety. The County Legislature will then post an un-redacted version of the paperwork.

In addition, it is the policy of the County that any vendor using a Social Security Number (SSN) is encouraged to obtain and operate under a Federal Employer or Tax Identification Number (EIN or TIN) to prevent release of the SSN.

Departments are directed to share this policy with all proposed or current contract vendors. Vendors should consult with the department issuing the contract should they have any questions regarding this policy.

Departments must include this requirement in all RFPs, bid documents, and contracts.