What the Town adopted, and what the system does

On 21 October 2020 the Town Board adopted the State Archives retention schedule LGS-1 by resolution. That schedule sets a one year minimum for license plate reader data. The vendor’s transparency portal, which the Town links from its own police page, publishes the retention as thirty days. Those two figures do not agree. Four written requests bear on that question, and one further question was put to the Attorney to the Town. Three of the four ask directly for the retention period or the configured value and have had no response of any kind. The fourth produced a draft policy that names no number.

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Minimum the Town adopted
1 year
LGS-1 Item 1241(b), *License plate reader data*. Adopted by the Town Board as Resolution 214-2020 on 21 October 2020, five votes to nothing.
Source: NYS Archives, Retention and Disposition Schedule for New York Local Government Records, 2020 edition revised 2022.
Published by the vendor
30 days
“Data Retention. The number of days data is retained. 30 days.” The same figure was described in public by Flock’s own representative at the Town Board meeting of 15 July 2026, at 00:06:18 in the Town’s recording.
Source: the transparency portal the Town links from its police page, marked last updated 18 November 2026, captured 19 November 2026. No Town configuration record has been produced.

This page states a conflict between two documents, not a conclusion about anyone's conduct. One figure comes from a schedule the Board adopted by resolution. The other comes from the vendor, twice: it is published on the Flock transparency portal the Town links from its own police page, and Flock’s own representative described thirty-day retention at the Town Board meeting of 15 July 2026, at 00:06:18 in the Town’s recording. Both sources are the vendor’s. No Town record of the configured value has been produced. Three written requests go to which figure the system actually runs on: item 4 of Request A, item 8 of Request C, and item 2 of Request F, which asked only for the settings screen that displays it. None has had a response of any kind. A fourth request, for any policy governing retention, produced a draft that points back at the schedule without naming a period. The conflict is therefore unresolved rather than proven.

What the Town adopted

New York’s Arts and Cultural Affairs Law § 57.25 provides that no local officer may destroy or otherwise dispose of a public record without the consent of the Commissioner of Education. Issuing a retention schedule is that consent, and it extends only to records kept for the minimum period the schedule sets.

On **21 October 2020** the Town Board adopted **Resolution 214-2020**, titled *“A Resolution Adopting the Retention & Disposition Schedule for New York Local Law Government Records (LGS-1)”*. The resolution recites Article 57-A of the Arts and Cultural Affairs Law, records that the State Archives issued LGS-1 on 1

August 2020, and notes that it supersedes and replaces the previous schedules MU-1 and MI-1 as applied to towns.

The Board did not simply adopt the schedule. It resolved what may be disposed of, and when:

"RESOLVED, that only those East Greenbush Town records shall be disposed of that are described in the retention and disposition schedule from New York local government records (LGS-1) **after they have met the minimum retention described therein**"
Resolution 214-2020, adopted 21 October 2020. Town Board minutes, approved, page 17.

It was moved by Councilor Kennedy, seconded by Councilor Matters, and carried five votes to nothing: Councilor H. Kennedy, Councilor R. Matters, Supervisor J. Conway, Councilor T. Tierney and Councilor B. Fritz all voting yes.

So the standard is the Town's own. Nothing on this page asks the Board to follow a rule imposed from outside. It asks what became of a rule the Board wrote for itself, unanimously, and which two of its current members moved and seconded.

Source. Town Board minutes of 21 October 2020, as approved, page 17. Published by the Town at eastgreenbush.org. The resolution appears on page 14 of that evening's agenda and at page 17 of both the draft and the approved minutes.

What that schedule requires

Item	Record	Retention	Bearing on this system
1241(a)	Original record produced by camera, radar or other speed-timing device, **"except license plate reader records"**	2 years after case closed	The exclusion is printed on the face of the item. It does not remove plate reader records from the schedule. It moves them to (b).
1241(b)	**License plate reader data**	1 year	This is the detection data: the plate reads themselves. The only item in the schedule that sets a period for them.
1241(c)	Plate reader hits on hot list data from the eJusticeNY Integrated Justice Portal	As long as the case investigation	Hot list hits follow the investigation they relate to.
1221(a)	Law enforcement reports, studies or data queries, including their documentation, having legal or fiscal value	6 years	The nearest item covering search and query records.
—	**ALPR audit and query logs**	No item	The terms "ALPR" and "automated license plate reader" appear nowhere in the schedule. "License plate reader" appears only in Item 1241.

The schedule provides for records it does not cover. Its own text: a record not covered by an item *"must be retained until a revised edition of or addendum to the Schedule is issued containing an item covering the record in question."*

So on the audit and query logs there are two readings, and both point the same way. Either they fall under Item 1221(a) and the minimum is six years, or they fall under no item and they are to be retained until the State issues one. There is no reading on which deleting them is authorised.

Verification. The item text above was read from the State Archives' own April 2022 replacement pages for LGS-1, and confirmed against two further copies of the schedule. The full schedule is published by the New York State Archives.

What has been said about retention

Detection records: thirty days. Described by Flock's representative at the Town Board meeting of 15 July 2026, at 00:06:18 in the Town's recording. The speaker identifies himself by name as Flock's representative for East Greenbush earlier in the same presentation, at 00:03:40. It was not accompanied by a produced record, and I have not seen the configuration screen that would confirm it.

Audit logs: never deleted. At the same meeting, at 00:10:25 and 00:10:51 in the Town's recording, the vendor's representatives stated that the historical audit logs are not deleted, are owned by the Town, and remain accessible for the lifetime of the customer relationship. If that is accurate, those records exist now and are retrievable, which bears directly on the audit log requests that have had no response since 27 July.

The default moved, for new customers. On 13 August 2026 Flock announced it was changing its recommended default retention from thirty days to seven. Its own post states that the change applies to the default and that existing customers keep their current retention periods, so on the vendor's own account this did not alter whatever East Greenbush is set to. What it does establish is that thirty days was a vendor default rather than a technical floor. Whether anyone at the Town was notified, or asked whether to adopt the shorter period, is not established. Source: Flock's own announcement. The post carries two dates, published 13 August 2026 and bylined 11 November 2026.

The Town's own Flock page states no retention period at all. It describes what the system is used for and links out to the vendor's portal. The Town says nothing about retention in its own words, on its own site.

What the Department's own policy says

My request of 16 July asked for any policy, draft policy or procedure governing use, **retention**, sharing, audit or access controls. What came back on 24 August was a draft: Department Policy 426, marked DRAFT on every page and apparently ending mid-section at 426.7. No adopted policy was produced, and nothing covering 2021 to date.

Section 426.5 of that draft, *Data Collection and Retention*, reads:

"All stored ALPR data should be retained **in accordance with the established records retention schedule.** Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records."
Department Policy 426.5, produced to me 24 August 2026 in response to the FOIL request of 16 July 2026. Marked DRAFT. Read the policy as produced.

This matters because it is not my reading of which schedule applies. It is the Department's. The policy does not name a number of days. It points at the established records retention schedule, and the schedule East Greenbush established, by resolution, is LGS-1. LGS-1 sets one year for license plate reader data. A thirty-day setting would not be in accordance with it.

The same draft also assigns responsibility: *"All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the LPR Coordinator,"* and 426.5 makes the LPR Coordinator responsible for ensuring the processes for proper retention are in place. Whether that position has been filled, and by whom, is not established in anything produced to me.

Where the published figure lives

The thirty-day figure is published on a page the Town does not host. The Police Department's FLOCK page links to a transparency portal at transparency.flocksafety.com/east-greenbush-ny-pd, which is on the vendor's domain rather than the Town's. It is linked here as the Town links it.

That page is the best available source for what the system is configured to do, and it is still not a Town record. It is published and controlled by the vendor, how its figures are produced is not established anywhere, and it can change without notice. A separate page sets out what it publishes, what it cannot establish, and where it conflicts with the Town's own records and with itself.

What the Town has been asked, and has not answered

Four written requests bear on this question, and one further question was put to the Attorney to the Town. Three ask directly for the retention period or the configured value: items 4, 8 and 2 of Requests A, C and F. The fourth asked for any policy governing retention and produced a draft. Not one of them has produced the number.

Draft only
Any policy, draft policy or procedure governing use, **retention**, sharing, audit or access controls. 16 July request, item 5 · filed 16 Jul 2026 · open 126 days · answered with a draft
No response
The retention period applicable to audit and search logs, and all logs retained. Request A, item 4 · filed 27 Jul 2026 · open 114 days
No response
The current retention period for detection records, and the complete history of changes to that setting, with dates and who authorised each. Request C, item 8 · filed 27 Jul 2026 · open 114 days
No response
The Department's Flock "Policies" settings page, which shows the configured values. A single screen. Request F, item 2 · filed 20 Aug 2026 · open 91 days
No answer
Whether the Town treats ALPR data held on the vendor's systems as a Town record for retention purposes. Question to the Attorney to the Town · put 4 Sep 2026 · unanswered —

A separate request, Request B, asked for the detection records themselves. It has had no response either. Under a thirty-day setting those records would ordinarily have expired before the Town's response period ran. Under the one-year minimum in Item 1241(b) they would still exist. **No record confirming deletion, and no certification under Public Officers Law § 89(3) that the records do not exist, has been produced.**

What would settle it

Three records, none of which requires a search of files or correspondence, would resolve every question on this page:

The Flock Policies settings screen, showing the configured retention value. The change history for that setting. And a written statement of which LGS-1 item the Town relies on when disposing of plate reader data and audit logs, together with the date of the most recent disposal.

Until those exist in the record, the position is the one at the top of this page: the Town adopted a schedule setting one year, a figure of thirty days comes from the vendor in both places it appears, and the Town has not said which governs.

On the question of fault. Nothing here asserts that anyone destroyed records knowingly or in bad faith. A retention period in a system of this kind is a configuration setting held by the vendor, and the likeliest explanation for a figure that does not match an adopted schedule is that no one compared the two. That is itself the point. A Town cannot tell its own Board what a system does when the setting that governs it sits on someone else’s server.