

Chapter 92

RECORDS, PUBLIC ACCESS TO

[HISTORY: Adopted by the Board of Trustees of the Village of Hammondsport 3-12-1985 as L.L. No. 2-1985. Amendments noted where applicable.]

§ 92-1. Purpose; scope.

- A. The people's right to know the process of government decision making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality.
- B. This chapter provides information concerning the procedures by which records may be obtained from the Village of Hammondsport.
- C. The Village of Hammondsport personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.
- D. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

§ 92-2. Records access officers; duties.

- A. The Clerk is hereby designated as the chief records access officer for the village and shall, as such, be responsible for ensuring compliance with the regulations herein and shall have the duty of coordinating response to public requests for access to public records. As deemed necessary, the Village Clerk may designate, by name or by specific job title and business address, one or more persons as records access officers for those departments, offices or other village agencies whose records are not normally maintained by or in the Clerk's office. The designation of one or more records access officers shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.
- B. Records access officers are responsible for assuring that the Village of Hammondsport personnel:
 - (1) Maintain an up-to-date subject matter list.
 - (2) Assist the requester in identifying requested records, if necessary.
 - (3) Upon locating the records, take one of the following actions:
 - (a) Make records available for inspection.
 - (b) Deny access to the records in whole or in part and explain, in writing, the reasons therefor.
 - (4) Upon request for copies of records, take one of the following actions:
 - (a) Make a copy available upon payment or offer to pay established fees, if any.
 - (b) Permit the requester to copy those records.
 - (5) Upon request, certify that a record is a true copy.
 - (6) Upon failure to locate records, certify that:
 - (a) The records access officer is not the custodian for such records; or
 - (b) The records of which the records access officer is a custodian cannot be found after a diligent

§ 92-3. Location of records; hours for inspection.

- A. Records shall be available for public inspection and copying at the Village Clerk's office.
- B. Hours for public inspection.
 - (1) Requests for public access to records shall be accepted during normal working hours of the Village Clerk.
 - (2) Records will be produced for examination and copying during hours that the Clerk's office is regularly open for business.

§ 92-4. Requests for access to records.

- A. All requests shall be made in writing.
- B. Requests for records shall be ~~acknowledged~~ ~~honored~~ within five (5) business days of receipt of such request.
- C. ~~Requests shall reasonably describe the record or records sought. Whenever possible, the request shall specify dates, file designations or other information that might help in describing the records sought.~~
- D. ~~Should a records access officer fail to provide or deny access to the records sought within five business days of the receipt of such request, such records access officer shall furnish a written acknowledgment of receipt of the request and a statement of the approximate date when the request will be granted or denied. Failure of the records access officer to either grant or deny a request within 10 business days after the date of acknowledgment of receipt of a request shall be construed as a denial of access that may be appealed.~~
 - C. The records officer will furnish a written acknowledgment of the receipt of the request and a statement of the approximate date, which must be reasonable under the circumstances of the request, when the record will be made available or the request will be denied. If an agency determines to grant a request in whole or in part, and circumstances prevent disclosure to the person requesting the record or records within 20 business days from the date of acknowledgment of the receipt of the request, the agency must state, in writing, both the reason for the inability to grant the request within 20 business days and a date certain within a reasonable period, depending on the circumstances, when the request will be granted in whole or in part.
- E. D. The records officer will certify in writing that the municipality does not have possession of the record or that the record cannot be found after a diligent search. The village cannot charge a fee for the certification and the law does not provide any particular for for this certification. Refer to § 92.7

§ 92-5. Subject matter list.

- A. The Clerk and each records access officer shall maintain a reasonably detailed current list, by subject matter, of all records in their possession, whether or not the records are available pursuant to § 87, Subdivision 2, of the Public Officers Law.
- B. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
- C. The subject matter list shall be updated not less than twice per year. The most recent update shall appear on the first page of the subject matter list.

§ 92-6. Denial of access; appeals.

- A. The Board of Trustees shall hear appeals or shall designate a person or body to hear appeals regarding denial of access to records under the Freedom of Information Law.
- B. Denial of access shall be in writing, stating the reason therefor and advising the person denied access of his or her right to appeal to the person or body established to hear appeals, and that person or body shall be identified by name, title, business address and business telephone number. The records access officer shall not be the appeals officer.
- C. If an agency fails to respond to a request within five business days of receipt of a request as required in § 92-4D above, such failure shall be deemed a denial of access by the agency.
- D. Any person denied access to records may appeal within 30 days of a denial.
- E. The time for deciding an appeal by the Board of Trustees or the person or body designated by it to hear

appeals shall commence upon receipt of written appeal identifying:

- (1) The date and location of a request for records.
 - (2) The records that were denied.
 - (3) The name and return address of the appellant.
- F. The Board of Trustees shall transmit to the Committee on Public Access to Records in the Department of State copies of all appeals upon receipt of an appeal.
- G. The Board of Trustees or the person or body designated by it to hear appeals shall inform the appellant and the Committee on Public Access to Records of its determination, in writing, within seven business days of receipt of an appeal. The determination shall be transmitted to the Committee on Public Access to Records in the same manner as set forth in Subsection F above.
- H. A final denial of access to a requested record, as provided for in Subsection G of this section, shall be subject to court review, as provided for in Article 78 of the Civil Practice Law and Rules.

§ 92-7. Fees.

Except when a different fee is otherwise prescribed by law:

- A. There shall be no fee charged for the following:
- (1) Inspection of records.
 - (2) Search for records.
 - (3) Any certification pursuant to this chapter.
- B. The fee for copying records shall be in the amount of \$0.25 per page for photocopies not exceeding nine by 14 inches or \$5.00 for a flash drive.
- C. The fee for copying records not covered by Subsection A and B of this section shall not exceed the actual reproduction cost, which is the average unit cost for copying a record, excluding fixed costs of the agency, such as operator salaries.

§ 92-8. Public notice.

The Board of Trustees shall publicize, by posting in a conspicuous location and/or by publication in a local newspaper of general circulation:

- A. The location where records shall be made available for inspection and copying.
- B. The name, title, business address and business telephone number of the designated records access officers.
- C. The right to appeal by any person denied access to a record and the name and business address of the person or body to whom an appeal is to be directed.

