



<i>Board Approval</i> 2/4/21	<i>Subject:</i> <b>PUBLIC ACCESS FREEDOM OF INFORMATION</b>
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## 1. PURPOSE AND 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. These regulations provide information concerning the procedures by which records may be obtained.

C. Personnel shall furnish to the public the information and records required by the Freedom of Information Law (Section 84 et seq. of the Public Officers Law), as well as records otherwise available by law.

D. Any conflict among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

## 2. RECORDS ACCESS OFFICER

The County of Lewis Industrial Development Agency (the “Agency”) is responsible for ensuring compliance with the regulations herein and designates the Executive Director, and in the absence of the Executive Director, the Chairman of the Board of Directors as records access officer, who shall be responsible for ensuring appropriate agency response to public requests for access to records.

A. The records access officer shall ensure that personnel shall:

- (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 (1) 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 therefore.

- (4) Upon request for copies of records:
  - (a) Make a copy available upon payment or offer to pay established fees as set forth by the Agency.
  - (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 Agency is not the custodian for such records; or
  - (b) The records of which the Agency is a custodian cannot be found after diligent search.

### **3. LOCATION OF RECORDS**

Records shall be available for public inspection and copying at the office of the Agency.

### **4. HOURS FOR INSPECTION**

Requests for public access to records shall be accepted and records produced during all hours that the Agency's office is regularly open for business. It is preferred that an appointment be made for review and copying.

### **5. REQUESTS FOR ACCESS**

- A. A written request may be required, but oral requests may be accepted.
- B. A response shall be given regarding any request reasonably describing the record or records sought within five (5) business days of receipt of the request.
- C. A request shall reasonably describe the record or records sought. Wherever possible, a person requesting records should supply information regarding dates, file designation or other information that may help to describe the records sought.
- D. A request shall be limited to records available during a one month time period. Blanket requests for future records will not be accepted.
- E. If the records access officer does not provide or deny access to the records sought within five (5) business days of receipt of a request, he or she 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. If access to records is neither granted nor denied within ten (10) business days after the date of acknowledgment of receipt of a request, the request may be construed as a denial of access that may be appealed.

## **6. SUBJECT MATTER LIST**

A. The records access officer shall maintain a reasonably detailed current list by subject matter or all records of the Agency, whether or not the records are available pursuant to Subdivision 2 of Section 87 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.

## **7. DENIAL REQUEST**

A. All documents of the IDA, with the following exceptions, are available for inspection by the public:

- (1) documents not otherwise subject to disclosure under state or federal law;
- (2) documents which would wrongly invade a private individual's right to privacy (Financial Statements, or Financials);
- (3) documents containing trade secrets; or
- (4) inter- or intra-agency materials which are not
  - (a) statistical or factual in nature,
  - (b) instructions to staff affecting the public, or
  - (c) final agency policy or findings.

## **8. DENIAL OF ACCESS; APPEALS**

A. Denial of access to records shall be in writing, stating the reason therefor and advising the requester of the right to appeal to the individual or body established to hear appeals.

B. If requested records are not provided within the time frames hereinbefore set forth, such failure shall also be deemed a denial of access.

C. The members of the County of Lewis Industrial Development Agency shall hear appeals for denial of access to records under the provisions of Article 6 of the Public Officers Law. Such appeals shall be made within thirty (30) days of a denial.

D. The time for deciding an appeal by the body designated to hear appeals shall commence upon receipt of a written appeal identifying:

- (1) The date of the appeal.
- (2) The date and location of the request for records.
- (3) The records to which the requester was denied access.
- (4) Whether the denial of access was in writing or due to failure to provide records promptly.
- (5) The name and return address of the requester.

E. The body designated to hear appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to the Committee on Open Government, Department of State, 162 Washington Albany, New York 12231.

F. The body designated to hear appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten (10) business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth in Subsection E of this section.

## **9. FEES**

A. There shall be no fee charged for:

- (1) Inspection of records.
- (2) Search for records.
- (3) Any certification pursuant to this Article.

B. The fee for photocopies not exceeding eight and one-half by eleven (8 1/2 x 11) inches is twenty five cents (\$0.25) per copy.

C. The fees for copies of records not covered by Subsections 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).

## **10. PUBLIC NOTICE**

A notice containing the title or name and business address of the records officer and appeals body and the location where records can be seen or copied shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

NOTE: See file “NYS Public Officers Law” for sample letters, also, see Shawn Griffin’s IDA procedures, etc.