

Public Access to Records

Section 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. The public should have free and easy access to such records.
- B. These regulations describe the procedures by which records may be obtained.
- C. Personnel shall furnish to the public 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.

Section 2 Definitions.

FOIL - The Freedom of Information Law (FOIL; Public Officers Law, Article 6, §84) gives the public the right to access, with certain exceptions, documents and information about the functions, procedures, policies, decisions, and operations of government departments and agencies.

Record - Any information kept, held, filed, produced, or reproduced by, with, or for, an official board or committee in any form. All records are accessible, except records or portions of records that fall within one of the defined categories of deniable records as stated in Public Officers Law, Article 6, §87 (2). Access refers to existing records, and therefore no record need be created in response to a request.

Records Access Officer (RAO) - The Town designee to receive FOIL requests, determine how to respond, and ensure timely responses.

Appeals Officer - The Town designee to receive, determine action, and respond to appeals of denial of access to records.

Subject Matter List - A reasonably detailed current list by subject matter of all records in the Town's possession, whether or not records are available pursuant to Subdivision 2 of §87 of the Public Officers Law.

Section 3 Designation of Records Access Officer (RAO).

- A. The Town of Caroline is responsible for ensuring compliance with the regulations herein, and designates the following person as Records Access Officer: Town Clerk, 2668 Slaterville Road, P.O. Box 136, Slaterville Springs, NY 14881. 607 539-6400. clerk@townofcaroline.org
- B. In the event of the unavailability of the Town Clerk, the Assistant to the Supervisor shall act as RAO.
- C. The RAO is responsible for ensuring appropriate agency response to public requests for access to records.
- D. The RAO shall ensure that agency personnel:
 - Maintain an up-to-date subject matter list.
 - Assist persons seeking records to identify the records sought, if necessary, and, when appropriate, indicate the manner in which the records are filed, retrieved, or generated to assist in reasonably describing records.
 - Contact persons seeking records when a request is voluminous or when locating records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.
 - Upon locating the records, take one of the following actions:
 - Make records available for inspection; or
 - Deny access to the records in whole or in part and explain, in writing, the reasons therefor; or
 - Make a copy available upon payment of offer to pay established fees, if any; or
 - Permit the requestor to copy the records; or
 - Upon request, certify that a record is a true copy.
 - Upon failure to locate records, certify that:
 - The Town of Caroline is not the custodian for such records; or
 - The records of which the Town of Caroline is a custodian cannot be found after diligent search.

Section 4 Location.

Records shall be available for public inspection and copying at:

Town of Caroline Town Hall, 2668 Slaterville Road, Slaterville Springs, NY 14881

Section 5 Hours for Public Inspection.

Requests for public access to records shall be accepted and records produced during regular Town Clerk's Office business hours: 8:00 a.m. to 2 p.m., Monday through Thursday, excluding holidays.

Section 6 Requests for Public Access to Records.

- A. A written request is required, but this requirement may be waived by the RAO and oral requests accepted when records are readily available.
- B. If records are maintained on the internet, the requestor shall be informed that the records are accessible via the internet and in printed form either on paper or other information storage medium.
- C. A response shall be given within five (5) business days of receipt of a request by:
1. Informing the requestor that the request or portions thereof does not reasonably describe the records sought, and providing direction, to the extent possible, that would enable the requestor to produce a reasonable request for records;
 2. Granting or denying access to records in whole or in part;
 3. Acknowledging the receipt of the request in writing and stating an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than 20 business days after the date of acknowledgment; or
 4. If it is known that circumstances will prevent disclosure within 20 business days from the date of acknowledgment, providing a written statement indicating the reason that fulfilling the request will take more than 20 business days and a date certain when the request will be granted or denied in whole or in part, to be reasonable given the circumstances of the request; or
 5. If the request was acknowledged in writing and stated an approximate date that the request would be granted or denied in whole or in part within 20 business days of the date of acknowledgment, but circumstances will prevent disclosure within that time, providing a written statement within 20 business days of such acknowledgment specifying the reason for inability to meet the original timeline and a date certain when the request will be granted or denied in whole or in part, to be reasonable given the circumstances of the request.
- D. In determining a reasonable time for granting or denying a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving, or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.
- E. Failure to comply with the time limitations herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:
1. Fails to grant access to the records sought, denies access in writing, or acknowledges the receipt of a request within five (5) business days of the receipt of a request;
 2. Acknowledges the receipt of a request within five (5) business days, but fails to furnish an approximate date when the request will be granted or denied in whole or in part;
 3. Furnishes an acknowledgment of the receipt of a request within five (5) business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;
 4. Fails to respond to a request within a reasonable time after the approximate date given or within 20 business days after the date of acknowledgment of the receipt of a request;

5. Determines to grant or deny a request in whole or in part within 20 business days of the acknowledgment of the receipt of a request, but fails to do so, unless the agency provides the reason for its inability to do so in writing and a date certain within which the request will be granted or denied in whole or in part;
6. Does not grant or deny a request in whole or in part within 20 business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and date certain by which the request will be granted or denied in whole or in part; or
7. Responds to a request, stating that more than 20 business days is needed to grant or deny the request in whole or in part and provides a date certain within which the request will be accomplished, but such date is unreasonable under the circumstances of the request.

Section 7 Subject Matter List.

- A. The RAO shall maintain a reasonably detailed current list by subject matter of all records in the Town's possession, whether or not records are available pursuant to Subdivision 2 of §87 of Public Officers Law.
- B. The Subject Matter List shall be sufficiently detailed to permit identification of the category of records sought.
- C. The Subject Matter List shall be updated annually. The most recent update shall appear on the first page of the Subject Matter List.

Section 8 Denial of Access to Records.

- A. Denial of access to records shall be in writing stating the reason therefor and advising the requestor of the right to appeal to the body established to determine appeals, which shall be identified by title, business address, and business phone number.
- B. If requested records are not provided promptly, such failure shall be deemed a denial of access.
- C. The following person shall determine appeals regarding denial of access to records under the Freedom of Information Law: Town Supervisor, 2668 Slaterville Road, P.O. Box 136, Slaterville Springs, NY 14881. 607 539-6400. supervisor@townofcaroline.org
- D. Any person denied access to records may appeal within 30 days of denial.

E. The time for deciding an appeal shall commence upon receipt of a written appeal identifying:

The date and location of the request for records;

A description, to the extent possible, of the records that were denied;

The name and return address of the person denied access

F. Failure to determine an appeal within 10 business days of its receipt by granting access to the records sought or fully explaining in writing the reasons for further denial shall constitute a denial of the appeal.

G. The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt, addressed to: Committee on Open Government, Department of State, One Commerce Plaza, 99 Washington Avenue, Suite 650, Albany, NY 12231.

H. The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government at address in subsection G of this section of its determination in writing within 10 business days of the receipt of an appeal.

Section 9 Fees.

A. There shall be no fee charged for 1) Inspection of records; 2) Search for records, or 3) Any certification pursuant to this policy.

B. Fees for copies may be charged, provided that:

1. The fee for copying records shall not exceed \$0.25 per page for photocopies not exceeding 9 x 14 inches;
2. The fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction;
3. An agency has the authority to redact portions of paper records and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.

C. The fee an agency may charge for a copy of any other record must be based on the actual cost of reproduction and may include the following:

1. An amount equal to the hourly salary of the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of employee time is needed to do so; and
2. The actual cost of the storage devices or media provided to the requestor in complying with the request; or
3. The actual cost to the agency of engaging an outside professional service to prepare a copy of a record, but only when an agency's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.

D. When an agency has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from nonelectronic records, the agency shall be required to retrieve or extract such records or data electronically. In such case, the agency may charge a fee in accordance with Subsection C (1) and (2) above.

- E. An agency shall inform a requestor of the estimated cost of preparing a copy of the record if more than two hours of an agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.
- F. An agency may require that the fee for copying or reproducing be paid in advance of the preparation of such copy.
- G. An agency may waive a fee, in whole or in part, when making copies of records available.

Section 10. Public Notice.

A notice containing the title or name and business address of the RAO and Appeals Officer and the location where records can be seen or copied shall be posted in a conspicuous location at the Town Hall Offices and on the town website.

Section 11. Severability.

If any provision of these regulations or the application thereof to any person or circumstance is adjudged invalid by a court of competent jurisdiction, such judgement shall not affect or impair the validity of other provisions of these regulations or the application thereof to other persons and circumstances.

Adopted September 14, 2022 by Resolution 100 of 2022.