

Chapter 38
RECORDS, PUBLIC ACCESS TO

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[HISTORY: Adopted by the Board of Trustees of the Village of Caledonia 10-6-1981 by L.L. No. 2-1981 as Ch. 26 of the 1981 Code. Amendments noted where applicable.]

§ 38-1. Purpose and scope.

- A. This chapter is established pursuant to Article 6 of the Public Officers Law, known as the "Freedom of Information Law."
- B. This chapter provides the procedures by which records of the Village of Caledonia may be obtained for inspection and copies thereof obtained.
- C. Personnel of the Village of Caledonia shall furnish to the public the information and records required by law and those which were furnished to the public prior to enactment of the Freedom of Information Law, subject to the conditions contained in Subdivisions 2 and 7 of § 89 of the Freedom of Information Law or other provisions of law.¹

§ 38-2. Designation of records access officer.

- A. The Mayor shall be responsible for assuring compliance with this chapter and shall designate one (1) or more persons, by name or by specific job title and official address, as the records access officer.
- B. The records access officer shall be responsible for assuring appropriate response to public requests for access to records. The records access officer shall assure that appropriate personnel are adequately instructed in and properly perform the functions described in §§ 38-6 and 38-7 of this chapter and shall supervise the administration of this chapter.

¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 38-3. Availability.²

The records herein described shall be available upon request from the Village Clerk during normal business hours, but not after one-half (1/2) hour before the end of normal daily business hours.

§ 38-4. Location of records.

Records shall be available for public inspection and copying at the Village Clerk's office, 3095 Main Street, Caledonia, New York.

§ 38-5. Hours for public inspection.

- A. Requests for public access to records shall be accepted and records produced during all hours regularly open for business, except that all records must be returned to their proper custodian at least five (5) minutes before closing time.
- B. Hours regularly open for business are:
 - (1) Monday, Tuesday, Thursday and Friday: 9:00 a.m. to 12:00 noon and 1:00 p.m. to 4:00 p.m.
 - (2) Wednesday: 9:00 a.m. to 12:00 noon.

§ 38-6. Request for access to records.

- A. Where a request for records is required, such request may be oral or in writing, as specified by the records access officer. However, written requests shall not be required for records that have been customarily available without written request.
- B. Time limit for responding to request.
 - (1) Except under extraordinary circumstances, officials shall respond to a request for records no later than five (5) business days after receipt of the request, whether the request is oral or in writing.
 - (2) If, because of extraordinary circumstances, more than five (5) business days are required to respond to a request, receipt of the request shall be acknowledged within five (5) business days after the request is received. The acknowledgment shall state the reason for delay and estimate the date when a reply will be made.
- C. A request for access to records should be sufficiently detailed to identify the records. Where possible, the requester should supply information regarding dates, titles, file designations or other information which may help identify the records. However, a request for any or all records falling within a specific category conforms to the standard that records are identifiable.
- D. List of records.

² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- (1) A current list, by subject matter, of all records produced, filed or first kept or promulgated after September 1, 1974, shall be available for public inspection and copying. The list shall be sufficiently detailed to permit the requester to identify the file category of the records sought.
 - (2) The subject matter list shall be updated periodically and the date of the most recent updating shall appear on the first page. The updating of the subject matter list shall not be less than semiannual. (Note: To assist requesters, a copy of the subject matter list may be filed with regulations governing access to records.)
- E. Appropriate personnel of the Village of Caledonia shall assist the requester in identifying requested records.
- F. Upon locating the requested records, the appropriate personnel of the Village of Caledonia shall, as promptly as possible and within the time limits set in Subsection B above, either:
- (1) Make the records available for inspection; or
 - (2) Deny access in whole or part and explain, in writing, the reasons therefor.
- G. Upon failure to locate records, the appropriate official shall certify that:
- (1) The Village of Caledonia is not the legal custodian of the requested records; or
 - (2) The requested records, after diligent search, cannot be found.

§ 38-7. Inspection and copying of records.

- A. A person who has requested access to the public records of this Village of Caledonia shall be given full opportunity to see and inspect such records, unless access is denied as provided in § 38-8 herein.
- B. The requester may also make a copy of the records he inspects, but no record may be removed from the office where it is located without the written permission of the person in charge of the office at that time.
- C. Upon request and payment of the established fee, if any, the appropriate officer or employee shall prepare and deliver a transcript of such records.
- D. Upon request and payment of the established fee, if any, an appropriate official of the Village of Caledonia shall certify as correct a transcript prepared by the custodian of the records.

§ 38-8. Denial of access to records.

- 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 promptly, as required in § 38-6B of this chapter, such failure shall also be deemed a denial of access.

- C. The Mayor shall designate a person or persons or body to hear appeals from denial of access to records.
- D. The time for deciding an appeal by the individual or body designated to hear appeals shall commence upon receipt of 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 was by failure to provide records promptly as required by § 38-6B.
 - (5) A copy of the written denial, if any.
 - (6) The name and return address of the requester.
- E. The individual or body designated to hear appeals shall inform the requester of its decision, in writing, within seven (7) business days of receipt of an appeal.
- F. A final denial of access to a requested record, as provided for in Subsection E of this section, shall be subject to court review, as provided for in Article 78 of the Civil Practice Law and Rules.

§ 38-9. Fees.

- A. Except as otherwise specifically authorized by law or except by established practice prior to September 1, 1974, there shall be no fee charged for:
 - (1) Inspection of records.
 - (2) Search for records.
 - (3) Any certification pursuant to this chapter.
- B. The fee for a photocopy transcript of records shall be twenty-five cents (\$0.25) per page for pages not exceeding eight and one-half by fourteen (8½ by 14) inches.
- C. The fee for photocopies of records exceeding eight and one-half by fourteen (8½ x 14) inches per page shall be the actual cost of such photocopies, which shall be deemed to be the average unit cost for making such a photocopy, excluding fixed costs such as operator salaries.
- D. The fee for a transcript that is typed, handwritten or otherwise prepared by hand shall cover the clerical time involved in making the transcript, including comparison for accuracy.

§ 38-10. Public notice.

A notice containing the job title or name and business address of the records access officer and fiscal officer and the name, job title, business address and telephone number of the appeal

person or persons or body and the location where records can be seen or copies made shall be posted in a conspicuous location wherever records are kept and/or shall be published in a local newspaper of general circulation.