

RULES AND REGULATIONS GOVERNING PUBLIC ACCESS TO RECORDS
Town of Islip Community Development Agency

Pursuant to Article 6 of the New York State Public Officers Law (Freedom of Information), the following rules and regulations are hereby adopted governing public access to records of the Town of Islip Community Development Agency (the “Agency”).

1. **Purpose.** To provide regulations governing access to records of the Community Development Agency under the Public Access to Records Information Law (Article 6, New York State Public Officers Law). The purpose of this regulation is to set forth the rules and regulations governing the availability, location and nature of those records of the Agency pursuant to the provisions of Article 6 of the Public Officers Law, known as the Freedom of Information Law.
2. **Policy.** The New York State Legislature has declared that the government is the public’s business and that the public, individually and collectively... should have access to the records of government in accordance with the provisions of the Freedom of Information Law.
3. **Definition.** “Record” means any information kept, held, filed, produced or reproduced in any physical form whatsoever including, but not limited to, reports, statements, examinations memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, micro films, computer tapes or disks, rules, regulations, or codes. The term business day means any day except Saturday, Sunday, or a public holiday.
4. **Records Access Officer.** The Agency Assistant Director shall be responsible for insuring compliance with Article 6 of the New York State Public Officers Law and the rules and regulations promulgated by the Committee on Public Access to Records.

The Agency Assistant Director is hereby designated as the Records Access Officer and shall be responsible for ensuring that the Agency Personnel:

- a. Maintain a reasonable detailed current list by subject matter of all records in its possession whether or not such records are available for inspection. The subject matter list shall be updated not less than twice a year, and shall indicate the location where records shall be available for public inspection.
- b. Assist the requester in identifying requested records, if necessary;
- c. Provide accessibility to public records, during normal working hours, or deny access to the records in whole or part and explain in writing the reasons for denial;
- d. Make copies of records available upon payment of established fee;

- e. Upon request, certify that a record is a true copy;
 - f. Upon failure to locate records, certify that the Agency is not the custodian for such records, or that the records of which the Agency is custodian cannot be found after a diligent search.
 - g. Make available to General Counsel all requests for his/her review.
5. **Request for Public Access to Records.** All requests for public access to the Agency's records and copying shall be in writing, on the form "Application for Public Access to Records", a copy of which is attached to this directive. Application forms which comply with law may be obtained from the Records Access Officer either personally or on any business day at the office of the Records Access Officer, Town of Islip Community Development Agency, 15 Shore Lane, Bay Shore, New York 11706 or by mail (or fax) addressed to such office. Requests for access to records may be submitted either personally at such office any business day between 9:00 a.m. and 4:00 p.m., or by mail (or fax) addressed to said office. Said form requests for access should be sufficiently detailed to identify the records. Where possible, the Requester should supply information regarding dates, titles, file designation or other information which may help identify the records. A request for any or all records falling within a specific category shall conform to the standard that all records be identified.

Records Access Officer shall cause a search to be made for the requested record and shall take one of the following actions within five working days after receipt of said request, except under extraordinary circumstances: (a.) Make record(s) available and if requested make a copy/certify same and collect the designated fee. (b.) Deny the request for record(s) pursuant to the guidelines established in Section 8, herein. (c.) State that the record is not in the custody or control of the Agency. (d.) State that the record can not be located after diligent search. (e.) Furnish an acknowledgment of receipt of the request and provide an approximate date for reply regarding the grant or denial of access to the record requested. If the document which is requested can not be provided within twenty (20) days from the date of acknowledgment, the reply must state the reason why the documents can not be provided within the twenty (20) day period and the specific date when the request will be either granted or denied in whole or in part. The time period provided must be reasonable in light of the volume of the request, time to search, as well as other relevant circumstances. The Records Access Officer, upon advice of the Agency's General Counsel, may waive compliance with any formality mandated by this section, including the use of application forms.

No records may be removed by the requester from the office where the records are located.

The Records Access Officer shall maintain a record setting forth the following: (1.) The name, public office address, title and salary of every officer or employee of the Agency; (2.) a reasonably detailed current list by subject matter, of all records in the possession of the Agency, whether or not available pursuant to Article 6 of the Public Officers Law and (3.) the final record of each vote of each member of the Agency in every proceeding in which the member votes. The above record(s) shall be made available for public scrutiny, inspection and copying pursuant to the guidelines herein stated.

6. **Prevention of Invasion of Privacy.** In furtherance of the applicable sections of the Public Officers Law as well as other relevant rules and regulations with regard to the prevention of unwarranted invasions of personal privacy, the Records Access Officer, upon advice of the General Counsel of the Agency, may delete/redact or cause same to be done identifying details, the disclosure of which would result in an unwarranted invasion of personal privacy, before making such record available for inspection and/or copying. If in fact said action is taken the Record Access Officer must provide written notice of said deletion/redacting to the person or entity given access to said record.

7. **Appeals (Denial of Access to Records).** Any person whose request to inspect and/or copy records has been denied in whole or in part may appeal such denial, in writing within thirty (30) days to the Chairman of the Agency, 15 Shore Lane, Bay Shore, New York 11706 with a copy to the Agency's Legal Counsel. All such appeals shall be in writing and must set forth; the name and address of the applicant; the specific record(s) requested; the date of the denial; and the reasons given for such denial. Upon receipt of a written appeal, the Records Access Officer shall immediately forward a copy to said appeal to the Department of State Committee on Open Government. Within ten (10) business days of receipt of the appeal, the Records Access Officer shall fully explain, in writing, to the person requesting the record(s) the reason(s) for further denial or provide access to the record(s) sought. A copy of said appeal determination shall be forwarded to the Department of State Committee on Open Government.

8. **Exclusions.** To prevent unwarranted invasions of personal privacy and in accordance with applicable rules and regulations, the Records Access Officer shall, in accordance with the applicable rules and regulations, make available for public inspection and copying all records, except that access may be denied to records or parts thereof which could result in;
 - a. Disclosure of employment, medical or credit histories or personal references of applicants for employment;
 - b. Sale or release of list of names and addresses if such lists would be used for commercial or fund raising purposes;

- c. Disclosure of information of a personal nature reported in confidence to the Agency or when such disclosure would result in economic or personal hardship to the subject party and such information is not relevant to the work of the Agency requesting or maintaining it.
- d. Disclosure of information of a personal nature reported in confidence to the Agency and not relevant to the ordinary work of the agency.

In addition, the Agency may deny an access to records or portions thereof that:

- i. are specifically exempted from disclosure by state or federal statute;
- ii. if disclosed would impair an imminent contract award or collective bargaining negotiations;
- iii. are compiled for law enforcement purposes and if disclosed would endanger any life or safety of any person; interfere with law enforcement investigations or judicial proceedings; deprive a person of a right to a fair trial or impartial adjudication; identify a confidential source or disclose confidential information relating to a criminal investigation; or reveal criminal investigative techniques or procedures, except routine techniques and procedures;
- iv. are inter-agency or intra-agency materials which are not:
 - 1. statistical or factual tabulations or data;
 - 2. instructions to staff that affects the public; or
 - 3. Final agency policy or determinations; or
 - 4. external audits, including but not limited to audits performed by the comptroller and the federal government; or
- vi. are examination questions or answers which are requested prior to the final administration of such questions;
 - (a) if disclosed, would jeopardize the Agency's capacity to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures; or
 - (b) are photographs, microphotographs, videotape or other recorded images prepared under authority of vehicle and traffic law.

9. Fees. Fees shall be charged according to the following schedule:

- a. The fee for copying records shall be 25 cents per page for photocopies not exceeding 9 inches by 14 inches.
- b. The fees not covered by subdivision (a) above shall not exceed the actual reproduction cost which is the average unit cost for copying a record except when a different fee is otherwise prescribed by law.

10. Public Notice. The Agency shall publicize by posting in conspicuous locations:

- a. Where records shall be made available for inspection and copying; and
- b. The right to appeal by any person denied access to a record, and to whom appeal is to be directed.

APPLICATION FOR PUBLIC ACCESS TO RECORDS
Town of Islip Community Development Agency

TO: Records Access Officer
TOWN OF ISLIP COMMUNITY DEVELOPMENT AGENCY
Name of Agency

I Hereby Apply to Inspect the Following Record:

SIGNATURE

DATE

REPRESENTING

MAILING ADDRESS

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For Agency Use Only

Approved _____

Received by _____

Denied (for the reason (s) checked below)

_____ Confidential Disclosure

_____ Part of Investigative files

_____ Unwarranted invasion of Personal Privacy

_____ Record of Which This Agency is Legal Custodian Cannot be found

_____ Record is not Maintained by This Agency

_____ Exempted by Statute other than the Freedom of Information Act

_____ Other (specify) _____

SIGNATURE

TITLE

DATE

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NOTICE: YOU HAVE A RIGHT TO APPEAL A DENIAL OF THIS APPLICATION TO THE
CHAIRMAN OF THIS AGENCY.

CHAIRMAN

15 Shore Lane, Bay Shore, NY 11706
BUSINESS ADDRESS

WHO MUST FULLY EXPLAIN HIS REASONS FOR SUCH DENIAL IN WRITING SEVEN DAYS OF
RECEIPT OF AN APPEAL.

I HEREBY APPEAL:

SIGNATURE

DATE