

ST. LAWRENCE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
LOCAL DEVELOPMENT CORPORATION

Governance Committee: June 19, 2012

Resolution No. 12-07-23

July 11, 2012

ADOPTING REVISED FREEDOM OF INFORMATION LAW GUIDELINES

WHEREAS, Legislation approved by Governor Paterson and effective August 7, 2008 (chapter 223) modernizes the Freedom of Information Law (FOIL) and clarifies several of its provisions, and

WHEREAS, the St. Lawrence County Industrial Development Agency Local Development Corporation (the "SLCIDA-LDC") wishes to reaffirm its commitment to practice Open Government by reviewing and updating its FOIL policy, and ensuring uniformity of the policy as it pertains to the SLCIDA-LDC, the SLCIDA and the SLCIDA's Civic Development Corporation

NOW, THEREFORE, BE IT RESOLVED that the St. Lawrence County Industrial Development Agency Local Development Corporation does hereby adopt the attached FOIL guidelines.

Move:	LaBaff			
Second:	Weekes			
VOTE	AYE	NAY	ABSTAIN	ABSENT
Blevins	X			
Hall	X			
LaBaff	X			
McMahon	X			
Peck	X			
Staples	X			
Weekes	X			

I HEREBY CERTIFY that I have compared this copy of this Resolution with the original record in this office, and that the same is a correct transcript thereof and of the whole of said original record.

Natalie A. Sweatland
July 11, 2012

PUBLIC ACCESS TO RECORDS OF:
St. Lawrence County Industrial Development Agency
St. Lawrence County Industrial Development Agency Local Development Corporation
St. Lawrence County Industrial Development Agency Civic Development Corporation

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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. Access to such information should not be thwarted by shrouding it with the cloak of secrecy of 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, 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 Designation of records access officer.

- (a) The St. Lawrence County Industrial Development Agency is responsible for insuring compliance with the regulations herein, and designates the following person(s) as records access officer(s):

Chief Financial Officer
St. Lawrence County Industrial Development Agency
80 State Highway 310, Suite 6
Canton, New York 13617

- (b) The records access officer is responsible for insuring appropriate agency response to public requests for access to records. The designation of a records access officer 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.

The records access officer shall insure that agency personnel:

- (1) Maintain an up-to-date subject matter list.

- (2) 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 persons in reasonably describing records.
- (3) Contact persons seeking records when a request is voluminous or when locating the 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.
- (4) Upon locating the records, take one of the following actions:
 - (i) Make records available for inspection; or,
 - (ii) Deny access to the records in whole or in part and explain in writing the reasons therefor.
- (5) Upon request for copies of records:
 - (i) Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8; or,
 - (ii) Permit the requester to copy those records.
- (6) Upon request, certify that a record is a true copy; and
- (7) Upon failure to locate records, certify that:
 - (i) The St. Lawrence County Industrial Development Agency is not the custodian for such records, or
 - (ii) The records of which the St. Lawrence County Industrial Development Agency is a custodian cannot be found after diligent search.

Section 3 Location.

Records shall be available for public inspection and copying at:
St. Lawrence County Industrial Development Agency
80 State Highway 310, Suite 6
Canton, New York 13617

Section 4 Hours for public inspection.

Requests for public access to records shall be accepted and records produced during all hours regularly open for business.

Section 5 Requests for public access to records.

- (a) All requests for records and records inspection must be submitted in writing (either standard mail or facsimile). Requests made verbally or via email will not be honored.
- (b) If records are maintained on the internet, the requester 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 business days of receipt of a request by:
 - (1) informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;
 - (2) granting or denying access to records in whole or in part;
 - (3) acknowledging the receipt of a request in writing, including 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 twenty business days after

- the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part; or
- (4) if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.
- (d) In determining a reasonable time for granting or denying a request under the circumstances of 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) A failure to comply with the time limitations described 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, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;
 - (2) acknowledges the receipt of a request within five 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 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 twenty business days after the date of the acknowledgment of the receipt of a request;
 - (5) determines to grant a request in whole or in part within twenty 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 in whole or in part;
 - (6) does not grant a request in whole or in part within twenty 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 a date certain by which the request will be granted in whole or in part; or
 - (7) responds to a request, stating that more than twenty business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

Section 6 Subject matter list.

- (a) The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to subdivision two of Section eighty-seven 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 annually. The most recent update shall appear on the first page of the subject matter list.

Section 7 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 determine appeals, [who or which] shall be:
 - Chairman, St. Lawrence County Industrial Development Agency
 - 80 State Highway 310, Suite 6
 - Canton, New York 13617
- (b) If requested records are not provided promptly, as required in Section 5 of these regulations, such failure shall also be deemed a denial of access.
- (c) The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:
- (d) Any person denied access to records may appeal within thirty days of a denial.
- (e) The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:
 - (1) the date and location of requests for records;
 - (2) a description, to the extent possible, of the records that were denied; and
 - (3) the name and return address of the person denied access.
- (f) A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing 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 of appeals. Such copies shall be addressed to:
 - Committee on Open Government
 - Department of State
 - 41 State Street
 - Albany, NY 12231
- (h) The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten 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 subdivision (f) of this section.

Section 8 Fees.

- (a) There shall be no fee charged for:
 - (1) inspection of records;
 - (2) search for records; or
 - (3) any certification pursuant to this part.
- (b) Copies may be provided without charging a fee. This determination will be made at the sole discretion of the Records Access Officer. In addition, no fee shall be charged for the copying of fewer than 10 pages (for photocopies only, and for photocopies not exceeding 9 by 14 inches)
- (c) Fees for copies may be charged, provided that:

- (1) the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches. This section shall not be construed to mandate the raising of fees where agencies or municipalities in the past have charged less than 25 cents for such copies;
 - (2) the fee for copies of records not covered by paragraphs (1) and (2) of this subdivision, 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. (If possible, specify the actual costs of reproduction.)
 - (3) In those cases where the agency's information technology equipment is incapable of preparing a copy, the agency will charge the actual cost of engaging a private professional service to do so. This fee may involve all expenses incurred by the agency associated with preparing a copy (such as postage, transportation). These expenditures will be included as part of the actual cost and fee that the agency will charge.
 - (4) In circumstances where more than two hours of employee time or an outside professional service is needed to prepare a copy of a record, the applicant must be informed in advance.
- (d) Fees for electronic information:
- (1) Access to electronic records relate mostly to the cost of the storage medium in which the information is made available (i.e. computer tape or disk). In those instances in which substantial time is needed to prepare an electronic copy (at least 2 hours of an employee's time), the agency may charge a fee based on the cost of the storage medium used, as well as the hourly salary of the lowest paid employee who has the skill needed to prepare the copy.

Section 9 Public notice.

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

Section 10 Severability.

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

PUBLIC NOTICE
YOU HAVE A RIGHT TO SEE PUBLIC RECORDS

The amended Freedom of Information Law, which took effect on January 1, 1978, gives you the right of access to many public records.

The St. Lawrence County Industrial Development Agency, the St. Lawrence County Industrial Development Agency Local Development Corporation, and the St. Lawrence County Industrial Development Agency Civic Development Corporation have adopted regulations governing when, where, and how you can see public records.

The regulations can be seen at all places where records are kept. According to these regulations, records can be seen and copied at:

St. Lawrence County Industrial Development Agency
80 State Highway 310, Suite 6
Canton, New York 13617

The following officials will help you to exercise your right to access:

1. Agency officials who have in the past been authorized to make records available
2. Records Access Officer:
Chief Financial Officer
St. Lawrence County Industrial Development Agency
80 State Highway 310, Suite 6
Canton, New York 13617

If you are denied access to a record, you may appeal to the following person(s) or body:

Chairman, St. Lawrence County Industrial Development Agency
80 State Highway 310, Suite 6
Canton, New York 13617
Phone: (315) 379-9806

Sample Letter: Requesting Records

Records Access Officer
Name of Agency
Address of Agency
City, NY, ZIP code

Re: Freedom of Information Law Request

Records Access Officer:

Under the provisions of the New York Freedom of Information Law, Article 6 of the Public Officers Law, I hereby request records or portions thereof pertaining to (or containing the following) _____ (attempt to identify the records in which you are interested as clearly as possible). If my request appears to be extensive or fails to reasonably describe the records, please contact me in writing or by phone at _____.

If there are any fees for the copying of the records requested, please inform me before filling the request (or: . . . please supply the records without informing me if the fees are not in excess of \$_____). If there are any fees associated with the provision of the records requested in an electronic format (cost of disk or CD-rom), please inform me before filling the request (or..... please supply the records electronically without informing me if the fees are not in excess of \$_____).

As you know, the Freedom of Information Law requires that an agency respond to a request within five business days of receipt of a request. Therefore, I would appreciate a response as soon as possible and look forward to hearing from you shortly.

If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed.

Sincerely,

Signature
Name
Address
City, State, ZIP code