

A Local Law: Freedom of Information Law.

Be it enacted by the: Board of Trustees of the Village of: Cassadaga as Follows:

Whereas A new Freedom of Information Law was enacted by the 1974 Legislature, which act is known as Chapter 578 of the Laws of 1974 and

Whereas Such new law requires the enactment of regulations pertaining to the making available of public records and

Whereas It is the intent of this Board of Trustees to comply with the provisions of such law and make those records available for public inspection as set forth in the statute and

Whereas The State Committee on Public Access to Records, created by the Legislature, has recently promulgated and published a final set of guidelines relating to the operation of the state law,

Now Therefore be it Resoled:

1. That this Board of Trustees hereby promulgates this set of rules in accordance with Chapter 578 of the Laws of 1974.

2. That the Village Clerk is hereby designated as the Records Access Officer of the Village of Cassadaga, The Records Access Officer shall either personally or through subordinate personnel:

(A) Maintain an up-to-date subject matter list of all records available for public inspection and copying, which list shall be updated at least semiannually.

(B) Assist any requesting party in identifying requested records, if necessary.

(C) Upon locating any requested records, take one of the following actions:

(I) Make the records promptly available for inspection and copying or

(II) Deny access to the records in whole or in part and explain in writing the

reasons for the denial.

(D) Upon request for copies of records:

(I) Make a copy or transcript available upon payment or offer to pay established fees, or

(II) Permit the requester to copy those records.

(E) Upon request, certify that a copy or transcript is a true copy of records copied.

(F) Upon failure to locate records, certify that:

(I) The Village of Cassadaga is not the legal custodian of such records, or

(II) Although the Village of Cassadaga is the legal custodian, such records

cannot be found.

3. That the Mayor is hereby designated the Fiscal Officer of Village of Cassadaga The Fiscal Officer shall:

(A) Respond to requests for an itemized record setting forth the name, address, title, and salary of every officer or employee of Cassadaga.

(B) Make the payroll items listed in (A) above available to any person including bona fide members of the news media as required by Sections 88 (1) (G), (1) (I), and (10) of the Freedom of Information Law.

4. That records subject to inspection and copying shall be made available at the office of the Records Access Officer or - at his direction - at the place where the requested records are regularly kept.

5. That requests for inspection and copying shall be made and processed in the following manner:

(A) Requests may be oral or written and shall be made to the Records Access Officer or his designee.

(B) A request may be made at any time during a regular business day of the office where it is made.

(C) The Records Access Officer or his designee shall respond promptly to request for records. Except under extraordinary circumstances, his response shall be made no more then five working days after receipt of the request. If for any reason more then five days is required to produce records, the Records Access Officer or his designee shall acknowledge receipt of the request within five working days after the request is received including with such acknowledgement a brief explanation of the reason for delay and an estimate of the date production or denial will be forthcoming.

(D) Records may be inspected and/or copied at the place where they are made available by the Records Access Officer or his designee. Records may be removed by the requesting party from the place where they are made available only with the permission of the Records Access Officer or his designee.

(E) The Records Access Officer or his designee shall provide copies of any records which are subject to public inspection upon request and upon the advance payment of \$0.20 per page, except that if photo copying equipment is unavailable, the said officer or designee shall provide a written or typed transcript or requested records upon the advance payment of \$0.50 per page. Upon request, any copy or transcript provided hereunder will be certified as true and accurate at no extra charge.

6. That records shall not be made available for inspection and copying if:

(A) They are Specifically exempted by statute, or

(B) They contain information which is disclosed would constitute an “unwarranted invasion of personal privacy”, which term includes, but is not limited to:

(1) Disclosure of such personal matters as may have been reported in confidence and which are not relevant or essential to the ordinary work of the Village

(2) Disclosure of employment, medical or credit histories or personal references of applicants for employment, except that such records may be disclosed when the applicant has provided a written release permitting such disclosure;

(3) The sale or release of lists of names and addresses in the possession of the Village is such lists would be used for private, commercial, or fund-raising purposes;

(4) Disclosure of items of a personal nature when disclosure would result in economic or personal hardship to the subject party and such records are not relevant or essential to the ordinary work of the Village

7. That, in the event any person is denied access to any public records for a reason which he believes to be unlawful, such person may submit an appeal by advising the Mayor of the Village of such denial in writing, and setting forth the records requested, the reason for denial, and the fact that the fees for such records were tendered. Within seven business days of the time of such appeal, the Mayor shall either grant the appealing party's request to examine records, or provide the appealing party with his reasons in writing for his refusal to grant such request.

8. That the purpose of such regulations shall be to maintain the spirit of the law and to recognize that the concept of open records is consistent with purpose of this Village.

9. That this resolution shall take effect immediately.