

PUBLIC ACCESS TO RECORDS

Objective:	To establish County government policy and procedure that reflect our belief in transparency and ease of public access to our government records and to implement our compliance with New York State and Federal Freedom of Information Law (FOIL).	Policy/Procedure Number:	01-06
Reference: <i>(All Applicable Federal, State and Local Laws)</i>	Public Officers Law, Article 6, §§84-90; 21 NYCRR PART 1401 (Committee on Open Government); and Tompkins County New York Regulations for Public Access to Records.	Effective Date:	01/12/1981
		Responsible Department:	County Administration
		Modified Date(s):	08/06/2013 03/21/1995
Legislative Policy Statement:	It is the policy of Tompkins County government that the public should generally have free and easy access to county government records except as restricted by Federal or State law or to support individual personal privacy. This policy affirms that basic to our democratic society is the people's right to know (1) the process of government decision-making and (2) the documents and statistics leading to determinations. It is also the policy of the Tompkins County government to provide the public with access to records in accordance with the Freedom of Information Law (FOIL) and the rules and regulations as referenced above, and to adopt procedures describing how to acquire copies of records, based in part upon the general regulations issued by the New York State Committee on Open Government. These latter regulations shall be posted on the Tompkins County government Website.	Resolution No.:	2013-119
General Information:	Requests for Public Access to Records A request for access to records may be submitted in writing, by e-mail or online from the County website. When the FOIL request is received in the County Administration Office, it will be routed to the appropriate County department. Responses will be handled within the designated period of time as set forth in the Regulations for Public Access to Records of Tompkins County New York (see County Website for details).	Next Scheduled Review:	August 2018

I. Definitions:

FOIL—The Freedom of Information Law (FOIL) gives the public the right to access, with certain exceptions, documents and information about the functions, procedures, policies, decisions and operations of government department and agencies.

Record—Any information kept, held, filed, produced, or reproduced by, with, or for an official county agency, board, or committee, and/or for the county legislature, in any physical form whatsoever. Under the law, all records are accessible, except records or portions of records that fall within one of defined categories of deniable records as stated in §87(2) of the Public Officer's Law (also see item B of the Procedure section of this policy). Access refers to existing records, and therefore no record need be created in response to a request.

Records Access Officer—The County designee to receive and ensure response to FOIL requests.

Subject-Matter List—A reasonably detailed, current list, organized by subject matter, of all records in County possession whether or not records are available to the public.

II. Policy:

The Tompkins County Legislature is responsible for ensuring the County's compliance with the Freedom of Information Law, including appropriate response to public requests for access to records, and designates the following person as Records Access Officer for the County: the Tompkins County Administrator.

III. Procedure:

A. Responsibility of County Departments

A request for access to records shall be submitted on a standard form in writing, by e-mail or online from the County website. Immediately upon receipt of a FOIL request, Departments shall:

1. Forward a copy of FOIL Request received to the County Administration Office. The County Administrator will make a determination on how to respond to all requests. Departments will then provide the appropriate documentation or assistance as requested by the County Administrator to satisfy FOIL requirements.
2. Each department shall maintain a reasonably detailed *Subject Matter List* of all records in the possession of the department as set forth in the Regulations for Public Access to Records of Tompkins County New York (whether or not records are available pursuant to subdivision two of Section 87 of the Public Officers Law).

Departments shall forward a copy of the *Subject Matter List* to the County Administration Office at the beginning of each calendar year.

B. Denial of Access to Records

1. County departments shall make available for public inspection and copying all records except, in accordance with Public Officers Law, Article 6, Section 87, those records or portions thereof that:
 - are specifically exempted from disclosure by state or federal statute;
 - if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eighty-nine of this article;
 - if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
 - are trade secrets or are submitted to a department by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise;
 - are compiled for law enforcement purposes;
 - if disclosed could endanger the life or safety of any person;
 - are examination questions or answers which are requested prior to the final administration of such questions; or
 - if disclosed, would jeopardize the capacity of a department or an entity that has shared information with a department to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures.
2. Denial of access to records shall be in writing stating the reason for denial and advising the requestor of the right to initiate a FOIL request or if the denial is of a FOIL request, to appeal to the County Attorney as set forth in the Regulations for Public Access to Records of Tompkins County New York (Section 7).
3. The Tompkins County Attorney shall serve as the person to determine appeals regarding denial of access to records under the Freedom of Information Law by a County department.
4. An appeal to the denial of access to records shall be decided and communicated to the requestor within the time and in the manner as set forth in the Regulations for Public Access to Records of Tompkins County New York (Section 7).

C. Fees

1. There is no initial fee required to submit a FOIL request.
2. There is no charge for inspection of records or data.
3. A department providing photocopies of records to the general public or the news media may charge a fee for copies of records or data that shall not exceed twenty-five cents per photocopy for documents 8½ x 11 inches or 9 x 14 inches, or the actual cost of reproducing any other record in accordance with Section 8, paragraphs (a) through (h) of the Regulations for Public Access to Records of Tompkins County New York, except when a different fee is otherwise prescribed by statute.
4. Departments are authorized to provide photocopies at no charge or at a reduced charge, if requested by the person requesting access to the records.
5. If requested, departments are required to provide records and data electronically if the records and data are so stored.

D. Public Notice

A notice containing the title or name and address of the Records Access Officer and the appeals person shall be maintained and posted as set forth in the Regulations for Public Access to Records of Tompkins County New York (Section 9) and on the County website.

E. Severability

If any provision of the Regulations for Public Access to Records of New York Tompkins County Section 10 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 the regulations or the application thereof to other persons and circumstances.