

## Chapter 98

## RECORDS, PUBLIC ACCESS TO

- § 98-1. Definitions.
- § 98-2. Records access officer designated.
- § 98-3. Duties of records access officer.
- § 98-4. Location of records; inspection and copying.
- § 98-5. Requests for personnel information.
- § 98-6. Appeals from denial of access.
- § 98-7. Fees.
- § 98-8. Personal privacy.
- § 98-9. Copy to be posted.

**[HISTORY: Adopted by the Town Board of the Town of Vernon 9-11-78 by resolution. Section 98-4C amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

**§ 98-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**AGENCY** — The Town of Vernon and its departments, divisions, offices, bureaus and boards and commissions created or appointed by the Town Board, any special or improvement district of the town, other than the Library District, the Fire District, a district corporation or district having a separately elected governing body.

**RECORD** — The same meaning as the term set forth in Sub-division 4 of § 86 of the Public Officers Law.

**§ 98-2. Records access officer designated.**

The following person is hereby designated as the records access officer for the agency: the Town Clerk, Town Hall, Vernon, New York.

**§ 98-3. Duties of records access officer.**

The records access officer shall be responsible for assuring that the agency personnel:

- A. Comply with the requirements and provisions of the Freedom of Information Law, the rules and regulations of the State Committee on Public Access to Records and with this chapter in providing access to agency records.
- B. Maintain an up-to-date subject matter list of records, updated twice a year, and make it available for public inspection and copying.
- C. Explain, in writing, reasons for denial of access and advise requester of right to appeal, setting forth the name, title, business address and telephone number of persons to whom the appeal may be taken.
- D. Upon request, calculate in advance the total cost of the copies.
- E. Permit the requester to make his or her own copy without damaging the record and without relinquishing custody of the same.

**§ 98-4. Location of records; inspection and copying.**

- A. Records of the agency are located at the Town Hall of the Town of Vernon, County of Oneida and State of New York.
- B. All requests for public access to records shall be accepted and records produced during all hours that the Town Hall is regularly open for business.
- C. In case the Office of Town Clerk of the Town of Vernon does not have regular hours, any person wishing to inspect and copy

records may contact the Town Clerk to arrange an appointment for such purpose.<sup>1</sup>

- D. A request to inspect or photocopy a record shall reasonably describe the same and shall be in writing.

**§ 98-5. Requests for personnel information.**

The Town Supervisor shall respond to requests for a record of the name, title, salary and public office address of every officer and employee of the agency.

**§ 98-6. Appeals from denial of access.**

The Town Supervisor is hereby designated to hear and determine appeals from a denial of access to agency records in accordance with the Freedom of Information Law, rules and regulations of the State Committee on Public Access to Records and this chapter.

**§ 98-7. Fees.**

- A. Unless another fee is prescribed by state law, the fee for:

- (1) Photocopying a record not exceeding nine by fourteen (9 x 14) inches shall be the sum of twenty-five cents (\$0.25) per page.
- (2) Other records shall be the actual cost of reproduction, excluding fixed cost such as salary of employee.
- (3) A typed or handwritten transcript shall consist of the actual clerical time involved in making the transcript.

- B. There shall be no fee for the actual certification of the copies of documents prepared pursuant to the provisions of this chapter.

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

**§ 98-8. Personal privacy.**

To prevent an unwarranted invasion of personal privacy, the Committee on Public Access to Records may promulgate guidelines for the deletion of identifying details for specified records which are to be made available. "Unwarranted invasion of personal privacy" includes but shall not be limited to:

- A. Disclosure of such personal matters as may have been reported in confidence to an agency or municipality which are not relevant or essential to the ordinary work of the agency or municipality.
- B. 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 written permission to permit such disclosure.
- C. Disclosure of items involving medical or personal records of a client or a patient of a hospital or medical facility.
- D. The sale or release of lists of names and addresses in any department if such lists would be used for private, commercial or fundraising purposes.
- E. Disclosure of items of a personal nature when disclosure would result in an economic or personal hardship to the subject party and such records are not relevant or essential to the ordinary work of the department.

**§ 98-9. Copy to be posted.**

A copy of this chapter shall be posted by the Town Clerk on the signboard maintained pursuant to Subdivision 6 of § 30 of the Town Law, and a copy thereof shall also be mailed or delivered to the news media for information purposes.