

Chapter 25

RECORDS

[HISTORY: Adopted by the Town Board of the Town of Canadice: Art. I, 3-14-1989; Art. II, 9-13-1993; Art. III, at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

ARTICLE I

Records Retention

[Adopted 3-14-1989]

§ 25-1. Adoption of schedule.

The Records Retention and Disposition Schedule MU-1, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law and containing legal minimum retention periods for municipal government records, is hereby adopted for use by all municipal officers in disposing of municipal government records listed therein.

§ 25-2. Disposition of records.

In accordance with said Article 57-A:

- A. Only those records will be disposed of that are described in Records Retention and Disposition Schedule MU-1 after they have met the minimum retention period prescribed therein.
- B. Only those records will be disposed of that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond established time periods.

ARTICLE II

Code Enforcement Documents

[Adopted 9-13-1993]

§ 25-3. Delivery and retrieval of pertinent documents.

The Code Enforcement Officer shall cause all completed documents pertaining to Board of Assessors requirements to be delivered to the office of the Town of Canadice Town Clerk no later than 12:00 noon every Thursday. A member of the Board of Assessors shall retrieve said documents from the Town Clerk's office during established hours or by appointment.

§ 25-4. Permanent register.

The Town Clerk shall keep a permanent register of said documents stating, at a minimum, the type of document, the corresponding document number (if applicable) and the date and time of delivery.

§ 25-5. Signing of register.

The Town Clerk shall cause the member of the Board of Assessors retrieving said documents to sign the permanent register and write in the date and time of retrieval for each individual document retrieved.¹

ARTICLE III

Public Access

[Adopted at time of adoption of Code²]

§ 25-6. Purpose.

- A. The people's right to know the process of governmental decisionmaking and to review the documents and statistics leading to determinations is basic to our society.
- 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,³ as well as records otherwise available by law.

§ 25-7. Records inaccessible to public.

- A. The following records, pursuant to town and state law, are not accessible to the public:
 - (1) Those which are specifically exempted from disclosure by state or federal statute.
 - (2) Those which, if disclosed, would constitute an unwarranted invasion of personal privacy under the provisions of Subdivision 2 of § 89 of the Public Officers Law.
 - (3) Those which, if disclosed, would impair present or imminent contract awards or collective bargaining negotiations.
 - (4) Those which are trade secrets or are maintained for the regulation of commercial enterprise which, if disclosed, would cause substantial injury to the competitive position of the subject enterprise.
 - (5) Those which are compiled for law enforcement purposes and which, if disclosed, would:
 - (a) Interfere with law enforcement investigations or judicial proceedings;
 - (b) Deprive a person of a right to a fair trial or impartial adjudication;
 - (c) Identify a confidential source or disclose confidential information relating to a criminal investigation; or
 - (d) Reveal criminal investigative techniques or procedures, except routine techniques and procedures.

1. Editor's Note: The former unnumbered paragraph enumerating specific town officers who were to receive copies of this Article, which immediately followed this section, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

2. Editor's Note: See Ch. 1, General Provisions, Art. I.

3. Editor's Note: See Art. 6 of the Public Officers Law.

- (6) Those which, if disclosed, would endanger the life or safety of any person.
 - (7) Those which are interagency or intraagency materials which are not:
 - (a) Statistical or factual tabulations or data;
 - (b) Instructions to staff that affect the public;
 - (c) Final agency policy or determinations; or
 - (d) External audits, including but not limited to audits performed by the Comptroller and the federal government.
 - (8) Those which are examination questions or answers which are requested prior to the final administration of such questions.
 - (9) Those which are computer access codes.
- B. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

§ 25-8. Designation of records access officers; responsibilities.

- A. The Town Board of the Town of Canadice is responsible for ensuring compliance with the regulations herein and designates the following persons as records access officers:
- (1) Town Clerk.
 - (2) Deputy Town Clerk.
- B. Records access officers are responsible for ensuring appropriate agency response to public requests for access to records. The designation of records access officers 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 officers shall:
- (1) Make records available for inspection; or
 - (2) Deny access to the records in whole or in part and explain in writing the reasons therefor.
 - (3) Upon request for copies of records, make a copy available upon payment or offer to pay established fees, if any, as established by the Town Board.
 - (4) Upon request, certify that a record is a true copy.
 - (5) Upon failure to locate records, certify that:
 - (a) The Town of Canadice is not the custodian for such records; or
 - (b) The records of which the Town of Canadice is custodian cannot be found after diligent search.

§ 25-9. Location of records.

Records shall be available for public inspection and copying at the office of the Town Clerk in the Town of Canadice.

§ 25-10. Hours for public inspection.

Requests for public access to records shall be accepted and records produced during all hours the Town Clerk's office is regularly open for business. These hours shall be specified at the organizational meeting.

§ 25-11. Denial of access; appeals.

- 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 hear appeals.
- B. The Town Board of the Town of Canadice shall hear appeals from denial of access to records under the Freedom of Information Law.
- C. The time for deciding an appeal by the individual or body designated to hear appeals shall commence upon receipt of written appeal identifying:
 - (1) The date of the appeal.
 - (2) The date and location of the request for records.
 - (3) The records to which the requester was denied access.
 - (4) Whether the denial of access was in writing or due to failure to provide records promptly.
 - (5) The name and return address of the requester.
- D. The individual or body designated to hear appeals shall inform the requester of its decision, in writing, within ten (10) business days of receipt of an appeal.
- E. The person or body designated to hear appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to the Committee on Open Government, Department of State, 162 Washington Avenue, Albany, New York 12231.
- F. The person or body designated to hear appeals shall inform the appellant and the Committee on Open Government of its determination, in writing, within ten (10) 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 in Subsection F of this section.

§ 25-12. Fees.

Fees shall be set by the Town Board at their organizational meeting.

§ 25-13. 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 copied shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.