

**FREEDOM OF INFORMATION LAW
RULES AND REGULATIONS
FOR THE
COUNTY OF SCHUYLER**

(as revised by Resolution No. 20-2023)

I. 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.

II. Designation of records access officer.

- A. The Schuylers County Legislature is responsible for insuring compliance with the regulations herein, and designates the following person as records access officers:
There shall be one (1) Records Access Officer for the County of Schuylers. The County Administrator is designated to be such officer. The County Administrator or a person designated by the County Administrator shall be in charge of all of those records of the municipality, except for the records of the Schuylers County Department of Social Services. The County Administrator shall designate the Commissioner of the Schuylers County Department of Social Services as the officer in charge of all of the records of the Schuylers County Department of Social Services. The Fiscal Officer shall be the Treasurer of Schuylers County.
- B. The records access officer is responsible for insuring appropriate agency response to public requests for access to records.
 - a. To ensure a complete, timely and coordinated response, all public requests for access to records received shall, in the first instance, be forwarded, by the county agency receiving same, to the records access officer for review, response and/or referral as appropriate.
 - b. 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 where otherwise appropriate.
- C. The records access officer shall ensure that agency personnel:
 - i. Maintain an up-to-date subject matter list;
 - ii. Assist personal 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;
 - iii. 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;
 - iv. Upon locating the records, take one of the following actions:
 - a. Make records available for inspection; or,
 - b. Deny access to the records in whole or in part and explain in writing the reasons therefor;
 - v. Upon request for copies of records:
 - a. Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section VIII; or,
 - b. Permit the requester to copy those records;
 - vi. Upon request, certify that:
 - a. Schuylers County is not the custodian of such records; or

- b. The records of which Schuyler County is a custodian cannot be found after diligent search.

III. Location.

Requests to inspect or secure copies of records must be made in writing at the office of the County Administrator of Schuyler County, 105 Ninth Street, Unit 37, Watkins Glen, New York 14891, for all records under the County Administrator's charge or in writing at the office of the Commissioner of the Schuyler County Department of Social Services, 323 Owego Street, Units 3 & 4, Montour Falls, New York 14865, for all records under the Commissioner's charge. Requests may be made online here: <https://www.schuylercounty.us/FormCenter/Contact-Us-13/FOIL-Requests-95>

IV. Hours.

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

V. Requests for public access to records.

- A. A written request may be required, but oral requests may be accepted in the discretion of the records access officer when records are readily available.
- B. Requests may be submitted in any other format sufficient to describe the request and the records sought therein, or on the form prescribed by the County Administrator, copies of which shall be available in the office of the County Administrator or online here:
<https://www.schuylercounty.us/FormCenter/Contact-Us-13/FOIL-Requests-95>
- C. A response shall be given within five (5) business days of receipt of a request by:
 - i. 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;
 - ii. Granting or denying access to records in whole or in part;
 - iii. 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 (20) business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty (20) 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
 - iv. 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 (20) business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty (20) 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;
 - v. 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;
 - vi. 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:
 - a. Fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five (5) business days of the receipt of a request;

- b. Acknowledges the receipt of a request within five (5) business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;
- c. Furnishes an acknowledgment of the receipt of a request within five (5) days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;
- d. Fails to respond to a request within a reasonable time after the approximate date given or within twenty (20) business days after the date of the acknowledgment of the receipt of a request;
- e. Determines to grant a request in whole or in part within twenty (20) 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;
- f. Does not grant a request in whole or in part within twenty (20) 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
- g. Responds to a request, stating that more than twenty (20) 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.

VI. 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 Records Retention and Disposition Schedule CO-2, as prepared by the New York State Education Department, shall be the official Subject Matter List of the County of Schuyler and all departments and agencies thereof.
- C. The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.

VII. General provisions relating to access to records; exemptions in certain cases.

- A. Each county agency shall, in accordance with these published rules, make available for public inspection and copying all records, except that such agency may deny access to records or portions thereof that:
 - i. are specifically exempted from disclosure by state or federal statute;
 - ii. if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eighty-nine of Public Officers Law Art. 6;
 - iii. if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
 - iv. are trade secrets or are submitted to an agency 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;
 - v. are compiled for law enforcement purposes only to the extent that disclosure would:
 - a. interfere with law enforcement investigations or judicial proceedings, provided however, that any agency, which is not conducting the investigation that the requested records relate to, that is considering denying access pursuant to this subparagraph shall receive confirmation from the law enforcement or investigating agency conducting the investigation that disclosure of such records will interfere with an ongoing investigation;
 - 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;
- vi. if disclosed could endanger the life or safety of any person;
- vii. are inter-agency or intra-agency 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;
 - d. external audits, including but not limited to audits performed by the comptroller and the federal government; or
- viii. are examination questions or answers which are requested prior to the final administration of such questions;
- ix. if disclosed, would jeopardize the capacity of an agency or an entity that has shared information with an agency to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures; or
- x. [Deemed repealed Dec. 1, 2024, pursuant to L.1988, c. 746, § 17.] are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-a of the vehicle and traffic law;
- xi. [Expires and deemed repealed Dec. 1, 2024, pursuant to L.2009, c. 19, § 10; L.2009, c. 20, § 24; L.2009, c. 22, § 22; L.2009, c. 23, § 9; L.2009, c. 383, § 24.] are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-b of the vehicle and traffic law;
- xii. [Expires and deemed repealed Sept. 20, 2025, pursuant to L.2010, c. 59, pt. II, § 14.] are photographs, microphotographs, videotape or other recorded images produced by a bus lane photo device prepared under authority of section eleven hundred eleven-c of the vehicle and traffic law;
- xiii. [Expires and deemed repealed July 1, 2025, pursuant to L.2013, c. 189, § 15.] are photographs, microphotographs, videotape or other recorded images prepared under the authority of section eleven hundred eighty-b of the vehicle and traffic law;
- xiv. Expired and deemed repealed July 25, 2018, pursuant to L.2014, c. 43, § 12. See, also, par. (n) below;
- xv. [Expires and deemed repealed Dec. 1, 2024, pursuant to L.2014, c. 99, § 15; L.2014, c. 101, § 15; L.2014, c. 123, § 15. See, also, par. (n) above.] are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-d of the vehicle and traffic law;
- xvi. [Expires and deemed repealed Sept. 12, 2024, pursuant to L.2015, c. 222, § 15.] are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-e of the vehicle and traffic law;
- xvii. [As added by L.2019, c. 59, pt. ZZZ, subpt. A, § 7. See, also, par. (p) below.] are data or images produced by an electronic toll collection system under authority of article forty-four-C of the vehicle and traffic law and in title three of article three of the public authorities law;
- xviii. [Expires and deemed repealed Sept. 6, 2024, pursuant to L.2019, c. 148, § 14. As added by L.2019, c. 148, § 12. See, also, par. (p) above.] are photographs, microphotographs, videotape or other recorded images prepared under the authority of section eleven hundred eighty-d of the vehicle and traffic law.
- xix. [Expires and deemed repealed Dec. 1, 2024, pursuant to L.2019, c. 145, § 15.] are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred seventy-four-a of the vehicle and traffic law;
- xx. [Expires and deemed repealed Oct. 6, 2026, pursuant to L.2021, c. 421, § 16. As added by L.2021, c. 421, § 14. See, also, pars. (r) below.] are photographs, microphotographs, videotape or other recorded images prepared under the authority of section eleven hundred eighty-e of the vehicle and traffic law;

- xxi. [Expires and deemed repealed Dec. 1, 2026, pursuant to L.2021, c. 460, § 14. As added by L.2021, c. 460, § 12. See, also, pars. (r) above and below.] are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-f of the vehicle and traffic law;
 - xxii. [Expires and deemed repealed Dec. 1, 2025, pursuant to L.2021, c. 773, § 16. As added by L.2021, c. 773, § 13. See, also, pars. (r) above.] are photographs, microphotographs, videotape or other recorded images or information and data prepared under authority of section three hundred eighty-five-a of the vehicle and traffic law.
- B. 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, which shall be identified by name, title, business address and business phone number.
 - C. If requested records are not provided promptly, as required in Section V of these regulations, such failure shall also be deemed a denial of access.
 - D. The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:
 - Chair, Schuyler County Legislature
 - 105 Ninth Street, Unit 6
 - Watkins Glen, New York 14891
 - Phone: (607) 535-8100
 - Email address/contact form: <https://www.schuylercounty.us/FormCenter/Contact-Us-13/Legislature-90>
 - E. Any person denied access to records may appeal within thirty (30) days of a denial.
 - F. The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:
 - i. The date and location of requests for records;
 - ii. A description, to the extent possible, of the records that were denied; and
 - iii. The name and return address of the person denied.
 - G. A failure to determine an appeal within ten (10) 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.
 - H. 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
 - One Commerce Plaza
 - 99 Washington Avenue, Suite 650
 - Albany, NY 12231
 - I. 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 (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 subdivision H of this section.

VIII. Fees.

- A. There shall be no fee charged for:
 - i. Inspection of records;
 - ii. Search for records; or
 - iii. Any certification pursuant to this part.
- B. Copies may be provided without charging a fee.
- C. Fees for copies may be charged, provided that:

- i. The fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 x 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;
 - ii. The fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction; or
 - iii. An agency has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.
- D. The fee an agency may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:
 - i. An amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so;
 - ii. The actual cost of the storage devices or media provided to the person making the request in complying with such request; or
 - iii. The actual cost to the agency of engaging an outside professional service to prepare a copy of a record, but only when an agency's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.
- E. When an agency has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the agency shall be required to retrieve or extract such record or data electronically. In such case, the agency may charge a fee in accordance with paragraph D above.
- F. An agency shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an agency employee' time is needed, or it is necessary to retain an outside professional service to prepare a copy of the record.
- G. An agency may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.
- H. An agency may waive a fee in whole or in part when making copies of records available.

IX. 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. Such notice shall also be posted in a conspicuous location upon the county's official website.

The Clerk of the Legislature shall cause copies of this regulation to be posted on the bulletin boards of each County Courthouse in the County and release the same to the official newspaper of the County so that the public is informed how to request access to public records. County Department Heads shall also cause this regulation to be posted in a conspicuous spot within each department.

X. 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.

XI. Effective date.

These regulations shall take effect immediately.