

RECORDS, PUBLIC ACCESS TO

Chapter 105

RECORDS, PUBLIC ACCESS TO

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[HISTORY: Adopted by the Board of Trustees of the Village of Lansing at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amended August 2022 by Local Law 7(2022)]

§ 105-1. Designation of records access officer.

- A. The Village Clerk, Office of the Village of Lansing, 2405 North Triphammer Road, Ithaca, New York, is hereby designated records access officer.
- B. The records access officer is responsible for assuring that Village personnel:
 - 1. maintain an up-to-date subject matter list;
 - 2. assist persons 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;
 - 3. contact persons seeking records when a request is voluminous or when locating the records sought involves substantial effort, so that Village personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of the records requested.
 - 4. upon locating the records, take one of the following actions: i. make records promptly available for inspection; or ii. deny access to the records in whole or in part and explain in writing the reasons therefor.
 - 5. upon request for copies of records: i. make a copy available upon payment or offer to pay established fees, if any; or ii. permit the requester to copy those records;
 - 6. upon request, certify that a record is a true copy; and
 - 7. upon failure to locate records, certify that: i. the Village is not the custodian for such records; or ii. the records of which the Village is a custodian cannot be found after diligent search.

§ 105-2. Location of records.

Records shall be available for public inspection and copying at the Office of the Village of Lansing, 2405 North Triphammer Road, Ithaca, New York.

§ 105-3. Times records are available for inspection.

Requests for public access to records shall be accepted and records shall be produced between 9:00 a.m. and 1:00 p.m. Monday thru Thursday, except holidays.

§ 105-4. Requests for access to records

- A. All requests for records shall be made in writing.
- B. Requests shall reasonably describe the records or records sought. Whenever possible, the request shall specify dates, file designations or other information that might help in describing the record sought.
- C. The records access officer shall respond to a request within five (5) business days of the receipt of the request by:
 - 1. 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;
 - 2. granting or denying access to records in whole or in part;
 - 3. 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 20 business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within 20 business days from the date of such acknowledgment, providing a statement in writing stating 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;
 - 4. 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 20 business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing with 20 business days of such acknowledgment stating 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.

§ 105-5 Subject Matter List

- A. The Village Clerk 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 2 of section 87 of the Public Officers Law.
- B. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
- C. The subject matter list shall be updated at least annually, and the date of the most recent update shall be conspicuously indicated on the list.
- D. The Village shall post its current list on its website and such posting shall be linked to the website of the Committee on Open Government.

§ 105-6 Denial of access to records

- A. Denial of access shall be in writing stating the reason therefor and advising the person denied access of his or her right to appeal to the

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person or body designated to determine appeals, and that person or body shall be identified by name, title, business address and business telephone number.

- B. If the Village fails to respond to a request within five (5) business days of receipt of a request as required in 105-4(C) above, such failure shall be deemed a denial of access.
- C. Any person denied access to records may appeal within 30 days of a denial.
- D. The time for deciding an appeal by the records appeal officer shall commence upon receipt of written appeal identifying:
 - (1) the date and location of requests for records;
 - (2) a description, to the extent possible, of the records that were denied; and
 - (3) the name and return address of the appellant.
- E. A failure to determine an appeal within 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.
- F. The Village shall transmit to the Committee on Open Government copies of all appeals upon receipt of an appeal.
- G. The records appeal officer shall inform the appellant and the Committee on Open Government of its determination in writing within 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 above
- H. A final denial of access to a requested record, as provided for in Subsection G above shall be subject to court review, as provided for in article 78 of the Civil Practice Laws and Rules

§ 105-7. Fees.

Except when a different fee is otherwise prescribed by statute:

- A. There shall be no fee charged for:
 - (1) Inspection of records.
 - (2) Search for records.
 - (3) Any certification pursuant to Article 6 of the Public Officers Law.
- B. The fee for photocopies will be as follows:
 - (1) 9" x 14" or smaller is twenty-five cents (\$0.25) per page or the maximum fee allowed by law;
 - (2) the fee for photocopies of records in excess of 9" x 14" shall not exceed the actual cost of reproduction, including the actual cost to the Village of engaging an outside professional service to prepare a copy of a record, but only when the Village's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.

§ 105-8. Designation of records appeal officer

The Village Mayor, Office of the Village of Lansing, 2405 North Triphammer Road, Ithaca, New York, is hereby designated records appeal officer.