

## **Chapter 37**

### **RECORDS**

**[HISTORY: Adopted by the Town Board of the Town of Conklin at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]**

#### **ARTICLE I Retention and Disposition**

##### **§ 37-1. Adoption of Schedule MU-1.**

- A. 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.
- B. In accordance with Article 57-A:
  - (1) 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.
  - (2) 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 Public Access to Records**

##### **§ 37-2. Purpose.**

The purpose of this article is to set forth the methods and procedures governing the availability, location and nature of those records of the Town of Conklin subject to the provisions of Article 6 of the Public Officers Law, known as the "Freedom of Information Law."

##### **§ 37-3. Designation of Records Access Officer.**

- A. The Town Board is responsible for ensuring compliance with the regulations herein and designates the following person as Records Access Officer: the Town Clerk, Town of Conklin, New York.
- B. The Records Access Officer is responsible for ensuring appropriate agency response to public request for access to records pursuant to the provisions of the Freedom of Information Law. The designation of the 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.

**§ 37-4. Location of records.**

Records shall be available for public inspection and copying at the town offices, Town of Conklin, New York.

**§ 37-5. Hours for public inspection.**

Requests for public access to records shall be accepted and records shall be produced during the hours that the Town Clerk's office is regularly opened for business.

**§ 37-6. Requests for access to records.**

- A. A written request may be required, but oral requests may be accepted when records are readily available.
- B. A response shall be given within five business days of the receipt of any request reasonably describing the record or records sought.
- C. A request shall reasonably describe the record or records sought. Whenever possible, a person requesting records should supply information regarding dates, file designations or other information that may help to describe the records sought.
- D. If the Records Access Officer does not provide or deny access to the records sought within five business days of receipt of a request, he or she shall furnish a written acknowledgment of the receipt of the request and a statement of the approximate date when the request will be granted or denied.
- E. If the request is granted, the Records Access Officer shall provide a copy of such record to the person requesting the same upon payment of the fee prescribed therefor and shall certify to the correctness of such copy if requested to do so. Alternatively, the Records Access Officer shall certify that he or she does not have possession of such record or that such record cannot be located after a diligent search.

**§ 37-7. Fees.**

The fee for copies of records shall be as set from time to time by resolution of the Town Board or the maximum fee permitted under the Freedom of Information Law as it may from time to time be amended. The fees for other types of copies or transcripts and for certificates shall be the reasonable amounts as the Records Access Officer shall establish. The fees charged by the Records Access Officer for records shall not exceed the actual cost of reproducing such record, except when a different fee is otherwise prescribed by law.

**§ 37-8. Grant or denial of access to records.**

The Records Access Officer shall, in accordance with this article, make available for public inspection and copying all records, except that the Records Access Officer may deny access to records or portions thereof which are not subject to disclosure in accordance with the provisions of Subdivision 2 of § 87 of the Public Officers Law or any other applicable state or federal statute, unless the Records Access Officer determines that to grant the application would adversely affect the public interest.

**§ 37-9. Denial of access to records; appeals.**

- A. Denial of access to records shall be in writing.
- B. Within 30 days after the written denial of access, any person denied access to a record may appeal, in writing, such denial to the Supervisor, who shall hear such appeals under the Freedom of Information Law.
- C. Within 10 business days of the receipt of such appeal, the Supervisor shall explain, in writing, to the person requesting the record the reasons for further denial or provide access to the record sought.