

## **PART I – ADMINISTRATIVE LEGISLATION**

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### **Chapter 25 – Records**

[Adopted, December 27, 2012, as Chapter 25 of the Code]

#### **Article I – Records Management**

**Sections 25-1 – 25-10**

#### **Article II – Public Access to Records**

**Sections 25-11 – 25-20**

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### **Article I – Records Management**

**Section 25-1 – Records Management Officer** – The Village Clerk shall serve as the Records Management Officer. The Records Management Officer or his or her designee (hereafter referred to collectively as "RMO") shall be responsible for the records management program established by this article and subsequent amendments thereto. The RMO will be responsible for administering the inactive and archival public records for the Village of Marcellus in accordance with local, state, and federal laws and guidelines. The RMO shall be responsible for overseeing any new technology projects involving Village records.

**Section 25-2 – Records center** – The RMO shall have at his/her disposal adequate designated space dedicated specifically for the storage, processing and servicing of inactive and archival records for all Village departments and agencies. The records center will be administered by the RMO.

#### **Section 25-3 – Disposition of records**

A. The RMO shall be the sole officer with authority over the disposition of records in consultation with the respective officer or department head who had custody of the records of his/her respective office or department.

B. Records shall be transferred to the Village archives upon recommendation of the RMO, with the approval of the head of the department which has legal custody of the records and the approval of the Village Board of Trustees.

#### **Sections 25-4 – 25-10 – Reserved**

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### **Article II – Public Access to Records**

#### **Section 25-11 – 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. Shrouding it with the cloak of secrecy or confidentiality should not thwart access to such information.

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, Editor's Note: See § 85 et seq. of the Public Officers 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.

**Section 25-12 – Records access officer** – shall be the Village Clerk

A. The Board of Trustees of the Village of Marcellus is responsible for ensuring compliance with the regulations herein, and the Board of Trustees shall appoint the Village Clerk to assist said Board in the administration of this article.

B. The Village Clerk shall be responsible for ensuring appropriate agency response to public request for access to records. The designation of the Village Clerk 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.

C. The Village Clerk shall ensure that personnel:

- (1) Maintain an up-to-date subject matter list
- (2) Assist the requester in identifying requested records, if necessary
- (3) Upon locating the records, take one of the following actions:
  - (a) Make records available for inspection.
  - (b) Deny access to the records in whole or in part and explain in writing the reasons therefore.
- (4) Upon request for copies of records:
  - (a) Make a copy available upon payment or offer to pay established fees, if any, in accordance with §25-18; or
  - (b) Permit the requester to copy those records
- (5) Upon request, certify that a record is a true copy
- (6) Upon failure to locate records, certify that:
  - (a) The Village of Marcellus is not the custodian for such records; or
  - (b) The records of which the Village of Marcellus is a custodian cannot be found after diligent search.

**Section 25-13 – Location of records** – Records shall be available for public inspection and copying at the Village Hall, 6 Slocombe Avenue, Marcellus, NY 13108

**Section 25-14 – Hours for inspection** – Requests for public access to records shall be accepted and records produced during all hours regularly open for business.

**Section 25-15 – Requests for access**

A written request may be required, but oral requests may be accepted when records are readily available

B. A response shall be given regarding any request reasonably describing the record or records sought within five business days of receipt of the request.

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 Village Clerk 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 receipt of the request and a statement of the approximate date when the request will be granted or denied. If access to records is neither granted nor denied within 10 business days after the date of acknowledgment of receipt of a request, the request may be construed as a denial of access that may be appealed.

### **Section 25-16 – Denial of Access – Appeals**

A. Denial of access to records shall be in writing stating the reason therefore and advising the requester of the right to appeal to the individual or body established to hear appeals.

B. If requested records are not provided promptly, as required in §25-15D of this article, such failure shall also be deemed a denial of access.

C. The Board of Trustees of the Village of Marcellus shall hear appeals for denial of access to records under the Freedom of Information law.

D. The time for deciding an appeal by the body designated to hear appeals shall commence upon receipt of a 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 as required by §15-15D.
- (5) The name and return address of the requester.

E. The body designated to hear appeals shall inform the requester of its decision in writing within 10 business days of receipt of an appeal.

F. The 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.

G. The body designated to hear appeals 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 of this section.

### **Section 25-17 – Fees**

A. There shall be no fee charged for:

- (1) Inspection of records

(2) Search for records

(3) Any certification pursuant to this article.

B. The fee for photocopies not exceeding 8 ½ inches by 14 inches is \$0.25 per page.

**Section 25-18 – Public notice**

A notice containing the title or name and business address of the Records Access Officer (the Village Clerk) and the Appeals Body (the Village Board of Trustees) and the location where records can be seen or copied shall be posted in a conspicuous location or published in a local newspaper of general circulation.

**Sections 25-19 – 25-25 – Reserved**