Freedom of Information Law (FOIL)
Rules and Regulations
POLICY adopted by Village Board 7/21/08 & amended 2/23/15
Confirmed by Village Board 07/18/16

PUBLIC ACCESS TO RECORDS OF
Village of Brockport

*Note: Village Court records are handled by the Court Clerks who utilize the Record Retention and Disposition Schedules of the New York State Unified Court System Division of Professional Court Services Office of Records Management.
The Village Clerk is not the Records Access Office for Village Court records.

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Section 1 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 or 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.

Section 2 Designation of records access officer.
(a) The Village of Brockport is responsible for insuring compliance with the regulations herein, and designates the following person(s) as records access officer(s):

Brockport Village Clerk
Brockport Village Hall
49 State Street
Brockport, NY 14420

(b) The records access officer is responsible for insuring appropriate agency response to public requests for access to records. 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.

The records access officer shall insure that agency personnel:

(1) Utilize the Record Retention and Disposition Schedule MU-1 for use by Cities, Towns, Villages, Fire Districts – available at www.archives.nysed.gov. This shall serve as a 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 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.

(4) Upon locating the records, take one of the following actions:

(i) Make records available for inspection; or,

ii) Deny access to the records in whole or in part and explain in writing the reasons therefore.

(5) Upon request for copies of records:

(i) Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8; 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 of Brockport is not the custodian for such records, or

(ii) The records of which the Village of Brockport is a custodian cannot be found after diligent search.

Section 3 Location.

Records shall be available for public inspection and copying at:

Brockport Village Hall
49 State Street
Brockport NY, 14420

Section 4 Hours for public inspection

Requests for public access to records shall be accepted and records produced during all hours regularly open for business. These hours are: 8:30 a.m. to 4:30 p.m., Monday through Friday, except holidays

Section 5 Requests for public access to records:

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

(b) The records access officer shall copy the following on all written requests at time of receipt: Village Board, Village Attorney, Department Heads, and Treasurer.

(c) If records are maintained on the internet, the requester shall be informed that the records are accessible via the internet and in printed form either on paper or other information storage medium.

(d) A response shall be given within five business days of receipt of a 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 twenty business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty 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
(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 twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty 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.

(e) The records access officer shall copy the following on all written responses at time of issue: Village Board, Village Attorney, Department Heads, and Treasurer.

(f) 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.

(g) 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:

(1) fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;
(2) acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;
(3) furnishes an acknowledgment of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;
(4) fails to respond to a request within a reasonable time after the approximate date given or within twenty business days after the date of the acknowledgment of the receipt of a request;
(5) determines to grant a request in whole or in part within twenty 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;
(6) does not grant a request in whole or in part within twenty 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
(7) responds to a request, stating that more than twenty 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.

Section 6 Subject matter list.
(a) The records access officer shall insure that agency personnel utilize the Record Retention and Disposition Schedule MU-1 for use by Cities, Towns, Villages, Fire Districts – available at www.archives.nysed.gov. This shall serve as a subject matter list.

Section 7 Denial of access to records.
(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 determine appeals, [who or which] shall be identified by name, title, business address and business phone number.

(b) If requested records are not provided promptly, as required in Section 5 of these regulations, such failure shall also be deemed a denial of access.

(c) The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:

Brockport Village Attorney
C/o Brockport Village Hall
49 State Street
Brockport, NY 14420
(585) 637-5300

(d) Any person denied access to records may appeal within thirty days of a denial.

(e) The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a 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 person denied access.

(f) A failure to determine an appeal within ten 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.

(g) 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
41 State Street
Albany, NY 12231

(h) 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 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 subdivision (f) of this section.

Section 8 Fees.

(a) There shall be no fee charged for:

(1) inspection of records;
(2) search for records; or
(3) any certification pursuant to this part.

(b) Copies may be provided without charging a fee.

(c) Fees for copies may be charged, provided that:

(1) the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches. This section shall not be construed to mandate the raising of fees where agencies or municipalities in the past have charged less that 25 cents for such copies;

(2) the fee for copies of records not covered by paragraphs (1) and (2) of this subdivision shall not exceed the actual reproduction cost which is the average unit cost for copying a record, excluding fixed costs of the agency such as operator salaries.

Section 9 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.

Section 10 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.

PUBLIC NOTICE
YOU HAVE A RIGHT TO SEE
PUBLIC RECORDS

The amended Freedom of Information Law, which took effect on January 1, 1978, gives you the right of access to many public records.

The VILLAGE OF BROCKPORT has adopted regulations governing when, where, and how you can see public records.

The regulations can be seen at all places where records are kept. According to these regulations, records can be seen and copied at:
Brockport Village Hall
49 State Street
Brockport, NY 14420

The following officials will help you to exercise your right to access:
1. Agency officials who have in the past been authorized to make records available

2. Records Access Officer
Brockport Village Clerk
Brockport Village Hall
49 State Street
Brockport, NY 14420
(585) 637-5300

If you are denied access to a record, you may appeal to the following person(s) or body:
Brockport Village Attorney
C/o Brockport Village Hall
49 State Street
Brockport, NY 14420
(585) 637-5300

PLEASE mark "FOIL APPEAL" on the envelope.