

Chapter 23: RECORDS

ARTICLE I Records Management

§ 23-1. Intent.

It is the legislative intent of the Village Board of the Village of South Blooming Grove to establish a local law that would properly govern and regulate public access to municipal records. The intent of this chapter is to develop an orderly process whereby the public may request access to the records of the village and simultaneously assure that village personnel may be reasonably expected to react to those requests on a timely basis and in conformance with state and federal law.

§ 23-2. Department officer.

There shall be a records management program established under the aegis of the Village Clerk-Treasurer's department and headed by the Village Clerk-Treasurer as Records Management Officer (RMO). The officer will be responsible for administering the non-current and archival public records and storage areas for the Village of South Blooming Grove in accordance with local, state and federal laws and guidelines. The Village Clerk-Treasurer shall have the option to appoint a designee to perform this function with the prior approval of the Mayor.

§ 23-3. Powers and duties.

The officer shall have all the necessary powers to carry out the efficient administration, determination of value, use, preservation, storage and disposition of the non-current and archival public records kept, filed or received by the offices and departments of the Village of South Blooming Grove.

- A. The **Record Management Officer** shall continually survey and examine public records to recommend their classification so as to determine the most suitable methods to be used for the maintaining, storing and servicing of archival material:
 - (1) Obsolete and unnecessary records according to New York State Records Retention and Disposition Schedules thereby subject to disposition; or
 - (2) Information containing administrative, legal, fiscal, research, historical or educational value which warrant their permanent retention; or
 - (3) Records not subject to disposition according to state law.
- B. **Establish guidelines** for proper records management in any department or agency of the Village of South Blooming Grove in accordance with local, state and federal laws and guidelines.
- C. **Report annually** to the Mayor and the Board of Trustees on the powers and duties herein mentioned, including, but not limited to, the cost/benefit ratio of programs effectuated by the department.
- D. **The officer shall operate** a Records Management Center for the storage, processing and servicing of all non-current and archival records for all Village of South Blooming Grove departments and agencies.
- E. The officer shall establish a Village of South Blooming Grove Archives and perform the following functions:

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- (1) Advise and assist Village of South Blooming Grove departments in reviewing and selecting material to be transferred to the Village of South Blooming Grove Archives for preservation.
- (2) Continually survey and examine public records to determine the most suitable methods to be used for the creating, maintaining, storing, and servicing of archival materials.
- (3) Establish and maintain an adequate repository for the proper storage, conservation, processing, and servicing of archival records.
- (4) Promulgate rules governing public access to and use of records in the archives, subject to the approval of the Records Advisory Board.
- (5) Develop a confidentiality policy for archival records designated confidential, providing such policy does not conflict with any federal or state statutes.
- (6) Provide information services to other Village of South Blooming Grove offices.
- (7) Collect archival materials which are not official Village of South Blooming Grove records but which have associational value to the Village of South Blooming Grove or a close relationship to the existing archival collection. Such collecting shall be subject to archive space, staff, and cost limitations, and to the potential endangerment of such materials if they are not collected by the Archives.
- (8) Develop a procedure whereby historically important records are to be identified at the point of generation.

§ 23-4. Records Advisory Board.

There shall be a Records Advisory Board designated to work closely with and provide advice to the Records Management Officer. The Board shall consist of the Mayor or a Trustee as designated by the Mayor, the Village Attorney or an Assistant Village Attorney as designated by the Village Attorney, the local historian, the Village's financial consultant, the Clerk to the Planning Board, the Clerk to the Zoning Board of Appeals, and an interested citizen as appointed by the Mayor and approved by the Board of Trustees. The Board shall meet periodically and have the following duties:

- A. Provide advice to the Records Management Officer on the development of the records management program.
- B. Review the performance of the program on an ongoing basis and propose changes and improvements.
- C. Review retention periods proposed by the Records Management Office for records not covered by State Archive's schedules.
- D. Provide advice on the appraisal of records for archival value and to be the final sign-off entity as to what is or is not archival.

§ 23-5. Custody.

- A. A Village of South Blooming Grove department is the legal custodian of its records and shall retain custody of records deposited in the Records Center. Records transferred to or acquired by the Archives shall be under the custody and control of the Archives rather than the department, which created or held them immediately prior to being transferred to the Archives.
- B. Records shall be transferred to the Archives upon the recommendation of the RMO, with the

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approval of the head of the department, which has custody of the records and the approval of the Records Advisory Board.

- C. Records may be permanently removed from the Archives at the request of the RMO or the head of the department, which had custody of the records immediately prior to the transfer of those records to the Archives, subject to the approval of the Records Advisory Board.

§ 23-6. Replevin.

The Legal Department may take steps to recover local government records, which have been alienated from proper custody, and may, when necessary, institute actions of replevin.

§ 23-7. Disposal of records.

No records shall be destroyed or otherwise disposed of by a department of the Village of South Blooming Grove unless approval has been obtained from the Records Management Officer. No records shall be destroyed or otherwise disposed of by the Records Management Officer without the express written consent of the department head having authority.

§ 23-8. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ARCHIVES — Those official records which have been determined by the Officer and Advisory Board to have sufficient historical or other value to warrant their continued preservation by the local government.

RECORDS — Any documents, books, papers, photographs, sound recordings, microforms, or any other materials, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official Village of South Blooming Grove business.

RECORDS CENTER — An establishment maintained by the Village of South Blooming Grove primarily for the storage, servicing, security, and processing of records which must be preserved for varying periods of time and need not be retained in office equipment or space.

RECORDS DISPOSITION

- A. The removal by the Village of South Blooming Grove, in accordance with approved records control schedules, of records no longer necessary for the conduct of business by such agency through removal methods which may include:
 - (1) The disposal of temporary records by destruction or donation; or
 - (2) The transfer of records to the Record Center/Archives for temporary storage of inactive records and permanent storage of records determined to have historical or other sufficient value warranting continued preservation; and
- B. The transfer of records from one Village of South Blooming Grove agency to any other Village of South Blooming Grove agency.

RECORDS MANAGEMENT — The planning, controlling, directing, organizing, training, promotion and other managerial use and records disposition, including records preservation, records disposal and records centers or other storage facilities.

SERVICING — Making information in records available to any Village of South Blooming Grove agency for official use or to the public.

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ARTICLE II Public Access

§ 23-9. 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.

§ 23-10. Designation of records access officer.

- A. The **Board of Trustees** of the Village of South Blooming Grove is responsible for ensuring compliance with the regulations herein, and designates the following person as records access officer: **Village Clerk-Treasurer**, in person at 811 State Route 208 and / or PO Box 295, Blooming Grove, New York 10914.
- B. Records access officers are responsible for ensuring appropriate agency response to public requests for access to records. The designation of records access officers 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. Records access officers 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; or
 - (b) Deny access to the records in whole or in part and explain in writing the reasons therefor.
 - (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 § 23-16; 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 South Blooming Grove is not the custodian for such records; or
 - (b) The records of which the Village of South Blooming Grove is a custodian cannot be found after diligent search.

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§ 23-11. Location.

Records shall be available for public inspection and copying at: Village Hall, 811 State Route 208, Monroe, New York 10950.

§ 23-12. 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, except for legal holidays, Monday through Friday from 10:00 a.m. to 3:00 p.m.

§ 23-13. 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. 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 records access officer does not provide or deny access to the record 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 15 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.

§ 23-14. 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 2 of § 78 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 not less than twice per year. The most recent update shall appear on the first page of the subject matter list.

§ 23-15. Denial of access to records.

- A. 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 hear appeals.
- B. If requested records are not provided promptly, as required in § 23-13D of these regulations, such failure shall also be deemed a denial of access.
- C. The following person or persons or body shall hear appeals for denial of access to records under the Freedom of Information Law: Mayor of the Village of South Blooming Grove, (845) 782-2600, PO Box 295, Blooming Grove, New York 10914.
- D. The time for deciding an appeal by the individual or body designated to hear appeals shall commence upon receipt of a written appeal identifying:

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- (1) The date of the appeal.
 - (2) The date and location of the requests 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 § 23-13D.
 - (5) The name and return address of the requester.
- E. The individual or body designated to hear appeals shall inform the requester of its decision in writing within seven business days of receipt of an appeal.
- F. The person or 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: Committee on Open Government, Department of State, 162 Washington Avenue, Albany, New York 12231.
- G. The person or body designated to hear appeals shall inform the appellant and the Committee on Open Government of its determination in writing within seven 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.

§ 23-16. 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. The fee for photocopies not exceeding nine inches by 14 inches is \$0.25 cents per page. The fees for copies of records other than photocopies which are nine inches by 14 inches in size shall be the actual copying costs. The fee for copying a record in electronic format shall be the actual duplication cost.

§ 23-17. 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 copied shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

§ 23-18. Judicial review.

Any persons aggrieved by any decision or determination made by the Village Board pursuant to this article may bring a proceeding to review such determination in the manner provided by Article 78 of the Civil Practice Law and Rules.

§ 23-19. Application.

No statement in this article shall be construed to interfere with any additional requirements that may be imposed by any federal or state authority having jurisdiction.

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§ 23-20. Supersession of other laws.

This chapter supersedes, and is in derogation of, Chapter 46 of the Code of the Town of Blooming Grove, County of Orange, and State of New York. In addition, it is not intended that this chapter supersede the authority of the County of Orange Department of Health.

§ 23-21. Authority.

This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

§ 23-22. Repeal.

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

§ 23-23. Effective Date.

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.