

**Chapter 24****PUBLIC RECORDS, ACCESS TO****§ 24-1. Purpose.****§ 24-2. Designation of records access officer.****§ 24-3. Location of records.****§ 24-4. Hours for public inspection.****§ 24-5. Requests for access to records.****§ 24-6. Subject matter list.****§ 24-7. Denial of access to records; appeal.****§ 24-8. Fees.****§ 24-9. Public notice.**

**[HISTORY: Adopted by the Board of Trustees of the Village of Cold Spring 6-13-78 by resolution. Amendments noted where applicable.]**

**§ 24-1. Purpose.**

The purpose of these rules and regulations is to effectuate the provisions of Public Officers Law § 89 and the regulations promulgated by the Committee on Public Access to Records, Chapter XXV, Part 1401.

**§ 24-2. Designation of records access officer: responsibilities.**

- A. The Village Board of the Village of Cold Spring shall be responsible for ensuring compliance with the regulations herein. The Village Board of the Village hereby designates the Village Clerk, Village Office, 85 Main Street, Cold Spring, New York, to be records access officer, who shall have the duty of coordinating response to public requests for access to records.
- B. The records access officer is responsible for assuring 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 (1) 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 therefore.
- (4) Upon request for copies of records:
  - (a) Make a copy available upon payment of or offer to pay established fees, if any; 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 is not the custodian of such records; or
  - (b) The records of which the Village is a custodian cannot be found after diligent search.

**§ 24-3. Location of records.**

Records shall be available for public inspection and copying at the Village Office, 85 Main Street, Cold Spring, New York.

**§ 24-4. Hours for public inspection.**

The records access officer of the Village of Cold Spring shall accept requests for public access to records and produce records during all hours in which the Village Office is open for business.

**§ 24-5. Requests for access to records.**

- A. A request for access to records must be made in writing. Such request may be either presented personally at the Village Office or mailed to the Village Office, 85 Main Street, Cold Spring, New York.
- B. Response to any request for public access to records reasonably describing the record or records sought shall be made within five (5) 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 agency does not provide or deny access to the record sought within five (5) business days of receipt of a request, the agency 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. If access to records is neither granted or denied within ten (10) business days after the date of acknowledgment of receipt of a request, this may be construed as a denial of access that may be appealed.

**§ 24-6. Subject matter list.**

- A. The records access officer shall maintain or cause to be maintained 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 § 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 not less than twice per year. The most recent update shall appear on the first page of the subject matter list.

**§ 24-7. Denial of access to records; appeal.**

- A. The Village Board of the Village of Cold Spring shall hear appeals or shall designate a person or body to hear appeals regarding denial of access to records under the Freedom of Information Law.
- B. Denial of access shall be in writing, stating the reason therefore and advising the person denied access of his or her right to appeal to the person or body established to hear appeals, and that person or body shall be identified by name, title, business address and business telephone number.
- C. If an agency fails to respond to a request within five (5) business days of receipt of a request as required in § 24-5D, such failure shall be deemed a denial of access by the agency.
- D. Any person denied access to records may appeal within thirty (30) days of a denial.
- E. The time for deciding an appeal by the individual or body designated to hear appeals shall commence upon receipt of written appeal identifying:
  - (1) The date and location of a request for records.
  - (2) The records that were denied.
  - (3) The name and return address of the appellant.
- F. The agency shall transmit to the Committee on Public Access to Records copies of all appeals upon receipt of an appeal. Such copies shall be addressed to:

Committee on Public Access to Records  
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 Public Access to Records of its determination in writing within seven (7) business days of receipt of an appeal. The determination shall be transmitted to the Committee on Public Access to Records in the same manner as set forth in Subsection F of this section.
- H. A final denial of access to a requested record, as provided for in Subsection G of this section, shall be subject to court review as provided for in Article 78 of the Civil Practice Law and Rules.

**§ 24-8. Fees.**

Except when a different fee is otherwise prescribed by law:

- A. There shall be no fee charged for the following:
  - (1) Inspection of records.
  - (2) Search for records.
  - (3) Any certification pursuant to this chapter.
- B. The Village shall charge the following fees for copies of records:
  - (1) The fee for copying records shall be twenty-five cents (\$0.25) per page for photocopies not exceeding nine by fourteen (9 x 14) inches.
  - (2) The fee for copies of records not covered by Subsection B(1) shall be the actual reproduction cost, which is the average unit cost for copying a record excluding fixed costs of the agency, such as operators' salaries.

**§ 24-9. Public notice.**

The Village shall publicize by posting in a conspicuous location and/or by publication in a local newspaper of general circulation:

- A. The location where records shall be made available for inspection and copy.
- B. The name, title, business address and business telephone number of the designated records access officer.
- C. The right to appeal by any person denied access to a record and the name and business address of the person or body to whom an appeal is to be directed.