

**RULES AND REGULATIONS GOVERNING PUBLIC ACCESS TO RECORDS  
OF THE WASHINGTON COUNTY LOCAL DEVELOPMENT CORPORATION  
IN ACCORDANCE WITH ARTICLE 6 OF THE PUBLIC OFFICERS LAW OF  
NEW YORK STATE**

Pursuant to Article 6 of the New York State Public Officers Law, the following rules and regulations are hereby adopted governing public access to records of the Washington County Local Development Corporation.

**Section 1. Purpose.**

The New York State Legislature has determined that the people's right to know the process of governmental decision-making and to review the documents and statistics leading to determinations is basic to our society and, therefore, has declared that government is the public's business and that the public, individually and collectively and represented by free press, should have access to the records of government in accordance with the provisions of Article 6 of the Public Officers Law. Therefore, the purpose of this regulation is to set forth the rules and regulations governing the availability, location and nature of those records of the Washington County Local Development Corporation, pursuant to the provisions of Article 6 of the Public Officers Law, known as the Freedom of Information Law.

**Section 2. Definition.**

For purposes of these rules and regulations:

- (a) The term "record" means any information kept, held, filed, produced or reproduced by, with or for an agency or the state legislature, in any physical form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes.
- (b) The term "business day" means any day except Saturday, Sunday, a public holiday or a day on which the Washington County Municipal Center is otherwise closed for general business.
- (c) The term "Records Access Officer" shall be the Executive Director or President of the Washington County Local Development Corporation.

**Section 3. Procedure for Obtaining Records.**

- (a) Any person who wishes to inspect or obtain a copy of any record may request access to the record by making application to the Washington County Local

Development Corporation, Washington County Municipal Center, 383 Broadway, Fort Edward, New York 12828. Such application shall be in writing and shall reasonably describe the record or records sought. Whenever possible a person requesting records shall supply information that may help to describe the records sought. Application forms which comply with law may be obtained from the Records Access Officer either personally or on any business day at the office of the Records Access Officer or by mail addressed to such office. In addition, a written request for a record may be submitted in the form of electronic mail. The Washington County Local Development Corporation shall respond to such requests by electronic mail using forms, to the extent practicable, that are consistent with the forms developed by the Committee on Open Government.

(b) Requests for access to records may be submitted to the office either personally at such office on any business day between the hours of 8:00 a.m. and 4:00 p.m. or by mail addressed to such office. Within five (5) business days of receipt of a request, the Records Access Officer shall cause a search to be made for the requested record and shall take one of the following courses of action:

1. Make the record available (and, if requested, make a copy of the record and collect the appropriate fee and/or certify the record).
2. Deny the request pursuant to Section 7, herein.
3. State that the record is not in the custody of the Washington County Local Development Corporation.
4. State that the record cannot be located after a diligent search.
5. Furnish an acknowledgment of receipt of the request and provide an approximate date for reply regarding the grant or denial of access to the record. If documents which are responsive to the request cannot be provided within twenty (20) days from the date of acknowledgment, the reply must state:
  - i. The reason why the documents cannot be provided within the twenty (20) day period; and
  - ii. A specific date as to when the request will be granted or denied, in whole or in part. Such time period must be reasonable in light of the volume of the request, time to search, other circumstances, etc.

(c) The Records Access Officer may waive compliance with any formality prescribed by this section, including the use of Washington County Local Development Corporation application forms.

#### **Section 4. Subject Matter List.**

(a) The Records Access Officer shall maintain and make available for inspection and copying:

1. A record of the final vote of each member in every proceeding in which the member votes;
2. A record setting forth the name, public officer address, title and salary of every officer or employee of the Washington County Local Development Corporation; and
3. A reasonably detailed current list by subject matter of all records in the possession of the Washington County Local Development Corporation, whether or not available under Article 6 of the Public Officers Law.

#### **Section 5. Fees.**

The fee to photocopy records shall be twenty-five cents (\$0.25) per page not in excess of nine inches by fourteen inches, or the actual cost of reproducing any other such record, except when a different fee is otherwise prescribed by law.

#### **Section 6. Prevention of Invasion of Privacy.**

In accordance with the provisions of subdivision 3 of section 88 of the Public Officers Law and in conformity with such advisory guidelines as may be promulgated by the Department of State Committee on Open Government regarding the prevention of unwarranted invasions of personal privacy, the Records Access Officer may delete from any record identifying details the disclosure of which would result in an unwarranted invasion of personal privacy prior to making such record available for inspection and/or copying. In the event that one or more deletions are made from any record, the Records Access Officer shall provide written notice of that fact to the person given access to the record.

#### **Section 7. Grant or Denial of Access to Records.**

The Records Access Officer shall, in accordance with these rules and regulations, make available for public inspection and copying all records except that access may be denied to records or portions thereof that:

- (a) are specifically exempted from disclosure by state or federal statute;
- (b) if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of section 89(2) of the Public Officers Law;
- (c) if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
- (d) are trade secrets or are submitted to the Washington County Local Development Corporation by a commercial enterprise or derived from information obtained from a commercial enterprise and which, if disclosed, would cause substantial injury to the competitive position of the subject enterprise;
- (e) are compiled for law enforcement purposes and which, if disclosed, would:
  - i. interfere with law enforcement investigations or judicial proceedings;
  - ii. deprive a person of a right to a fair trial or impartial adjudication;
  - iii. identify a confidential source or disclose confidential information relating to a criminal investigation; or
  - iv. reveal criminal investigative techniques or procedures, except routine techniques and procedures;
- (f) if disclosed could endanger the life or safety of any person;
- (g) are inter-agency or intra-agency materials which are not:
  - i. statistical or factual tabulations or data;
  - ii. instructions to staff that affect the public;
  - iii. final agency policy or determinations; or

- iv. external audits, including but not limited to audits performed by the comptroller and the federal government; or
- (h) are examination questions or answers which are requested prior to the final administration of such questions;
- (i) if disclosed, would jeopardize the Washington County Local Development Corporation's capacity to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures; or
- (j) are photographs, microphotographs, videotape or other recorded images prepared under authority of Vehicle and Traffic Law.

#### Section 8. Appeals.

(a) Any person whose request to inspect and/or copy records has been denied may appeal such denial, in writing, within thirty (30) days to the Chairperson of the Washington County Local Development Corporation, Washington County Municipal Center, 383 Broadway, Fort Edward, New York 12828.

(b) Such appeal shall be in writing and must set forth; the name and address of the applicant; the specific record(s) requested; the date of the denial; and the reasons given for such denial. Upon receipt of a written appeal, the Chairperson shall immediately forward a copy of said appeal to the Department of State Committee on Open Government. Within ten (10) business days of receipt of the appeal, the Chairperson shall fully explain, in writing, to the person requesting the record(s) the reason(s) for further denial or provide access to the record(s) sought. A copy of said appeal determination shall be forwarded to the Department of State Committee on Open Government.

#### Section 9. Effective Date.

Effective: April 20, 2007

Gayle A. Hall  
Gayle A. Hall, Secretary