



Public Access to Records

1. Purpose

The Freedom of Information Law ("FOIL"), Article 6 (Sections 84-90) of the NYS Public Officers Law, provides the public right of access to records maintained by government agencies with certain exceptions. Under FOIL, an agency must make records available for public inspection and copying, except to the extent that records or portions thereof fall within one or more grounds for denial.

Under New York Civil Practice Law and Rules § 4509, library records which contain names or other personally identifying details regarding the users of public, free association, school, college and university libraries and library systems of this state, including but not limited to records related to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, or the use of audio-visual materials, films or records, shall be confidential and shall not be disclosed except that such records may be disclosed to the extent necessary for the proper operation of such library and shall be disclosed upon request or consent of the user or pursuant to subpoena, court order or where otherwise required by statute.

The Records Access Officer shall furnish to the public the information and records required by the Freedom of Information Law (FOIL), as well as records otherwise available by law.

Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

2. Records Access Officer

The Records Access Officer is responsible for ensuring appropriate library 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 Administrative Library Assistant will serve as the Records Access Officer for Geneva Public Library. The Executive Director will act as alternate when the Records Access Officer is unavailable.

The Records Access Officer shall ensure that library employees:

- Maintain an up-to-date subject matter list.
- 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.
- Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort so that employees may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.
- Upon locating the records, take one of the following actions:
 - Make records available for inspection; or,
 - Deny access to the records in whole or in part and explain in writing the reasons therefore.
- Upon request for copies of records:
 - Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8; or,
 - Permit the requester to copy those records.
- Upon request, certify that a record is a true copy ; and
- Upon failure to locate records, certify that;
 - The Geneva Public Library is not the custodian for such records, or
 - The records of which the Geneva Public Library is a custodian cannot be found after diligent search.

3. Location

Records shall be available for public inspection and copying at:

Geneva Public Library
244 Main St.
Geneva, NY 14456

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:

- Monday - Friday: 9:00 AM - 7:00 PM
- Saturday: 9:00 AM - 2:00 PM

Records require review prior to possible disclosure. As a result, documents and records will not be immediately available.

5. Requests for Public Access to Records

All requests need to be made in writing via email or letter. The Administrative Library Assistant's email (as Records Access Officer) is available on the Library's website.

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.

A response shall be given within five business days of receipt of a request by:

- 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;
- Granting or denying access to records in whole or in part;
- 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
- 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.

In determining a reasonable time for granting or denying a request under the circumstances of a request, employees 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 library, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

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 employee:

- 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;
- 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;
- 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;
- 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;
- 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 library 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;
- 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
- 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.

6. Subject Matter List

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 two of Section eighty-seven of the Public Officers Law. (See Appendix A)

The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.

The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.

7. Denial of Access to Records

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.

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.

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

Executive Director
244 Main St.
Geneva, NY 14456
315-789-5303

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

The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:

- The date and location of requests for records;
- A description, to the extent possible, of the records that were denied; and
- The name and return address of the person denied access.

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.

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
One Commerce Plaza
99 Washington Avenue, Suite 650
Albany, NY 12231

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.

8. Fees

There shall be no fee charged for:

- Inspection of records;
- search for records; or
- Any certification pursuant to this part.

Copies may be subject to current library copy fees.

The library has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.

A library shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of a library employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.

A library may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.

9. Public Notice

This policy is available on the Library's website.

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.

Adopted by the Board of Trustees: August 30, 2023

Amended by the Board of Trustees:

Reviewed by Policy Committee: 8/14/2023

Appendix A

Subject Matter List

Maintained pursuant to Public Officers Law § 87(3)(c)

(Note: Not all listed records are available pursuant to the Freedom of Information Law [FOIL]).

Board

- Annual Reports/Plans of Service
- Bylaws
- Charter
- Conflicts of Interest Reports
- Meeting Agendas
- Meeting Minutes
- Organizational Amendments
- Records of Motions
- Resolutions
- Strategic Plans
- Whistleblower Reports

Financial Records

- 990(s) Current and Past Years – Current and Previous Year Filing
- Accounts Payable Records
- Accounts Receivable Records
- Annual Update Document(s) – Current and Previous Year Filing
- Assigned Reserve Records
- Audit Work Papers, Reports, and Files
- Bank Reconciliations
- Bank Statements
- Cash Activity Reports
- Depreciation Schedules
- List of Monthly Warrants – Paid, Reviewed, and Board Approved
- Planning and Budget Documents
- Receipt and Deposit of Funds Records/Logs
- Year to Date Reports/Trial Balances/General Ledger/Balance Sheets
- Year-End Financial Statements

Contracts/Purchasing Records

- Bidders' Proposal Files
- Contract Files
- Requisition Form/Purchase Order Files (Non-Contracts)
- Sales Tax Exemption Information

Employment Information

- Employee Contracts or Agreements
- Employee Summary Service Records
- Employee Travel Authorizations and Expense Files
- Job Descriptions
- Payroll Records
- Timesheets

Policy Manuals

- Policies: External Policy Manual/Internal Employee Handbook

Program Service Files

- Central Library Expenditure Files
- Correctional Facility Expenditure Files
- Outreach Services Expenditure Files
- Services to Member Libraries

For further information on the Freedom of Information Law, please visit the website of the Committee on Open Government, at <https://opengovernment.ny.gov>.