



## **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 they or 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.

Within five business days of the receipt of a written request for a record reasonably described, we will send you a letter either: making such record available; denying such request in writing; or furnishing a written acknowledgment of the receipt of such request. If you have not received a letter within five business days, please contact the library.

An acknowledgment letter will provide you with an estimate of when the records you request will be available, which shall be reasonable under the circumstances of the request. This date is determined by the number of documents you request, their format, their availability, the time it takes to redact any information that cannot be disclosed pursuant to FOIL, the time it takes to assemble the documents, and other factors.

A failure to comply within twenty business days of the acknowledgment of the receipt of a request shall constitute a denial of a request, which may be appealed.

## **6. Subject Matter List**

The Records Access Officer shall maintain a reasonably detailed current list by subject matter of all records in the library's 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 procedure and right to appeal.

If requested records are not provided promptly, as stated in Section 5, such failure shall also be deemed a denial of access.

Any person denied access to records may appeal within thirty days of a denial. The following body shall make a determination regarding any appeals concerning a denial of access to records:

Geneva Public Library Board of Trustees  
244 Main St.  
Geneva, NY 14456  
315-789-5303

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.

The 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.

The 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:** 8/28/2024

**Reviewed by Policy Committee:** 8/8/2024

## **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
- Bylaws
- Charter
- Conflicts of Interest Reports
- Meeting Agendas
- Meeting Minutes
- Organizational Amendments
- Strategic Plans
- Whistleblower Reports

#### **Financial Records**

- 990(s) Current and Past Years – Current and Previous Year Filing
- Accounts Payable Records
- Accounts Receivable Records
- Assigned Reserve Records
- Audit Work Papers, Reports, and Files
- Bank Reconciliations
- Bank Statements
- Cash Activity Reports
- Depreciation Schedules
- 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 documents approved by the Board of Trustees

**Policy Manuals**

- Board or Trustees Approved Policies

**Program Service Files**

- Central Library 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>.