

APPLICATION FOR PUBLIC ACCESS TO RECORDS

**TO: Records Access Officer (John J. Piseck, Jr.)
Herkimer County Industrial Development Agency
420 E. German Street, Suite 101A
Herkimer, NY 13350**

_____ **I hereby apply to inspect the following record:**
_____ **I hereby apply to receive copies of the following at \$.25 per page:**

_____ **signature** _____ **date**

Representing (company name & address)

Date request received by HCIDA _____



FOR AGENCY USE ONLY

Approved _____
Denied _____

Record of which this agency is Legal Custodian cannot be found _____

_____ **signature** _____ **title** _____ **date**



NOTICE: YOU HAVE A RIGHT TO APPEAL A DENIAL OF THIS APPLICATION TO THE HEAD OF THIS AGENCY.

_____ **name** _____ **title**

WHO MUST FULLY EXPLAIN THE REASONS FOR SUCH DENIAL IN WRITING WITHIN TEN DAYS OF RECEIPT OF AN APPEAL.

I HEREBY APPEAL:

_____ **signature** _____ **date**

"This institution is an equal opportunity provider, and employer."

**RESOLUTION – ESTABLISHING RULES AND REGULATIONS OF THE COUNTY OF
HERKIMER INDUSTRIAL DEVELOPMENT AGENCY AS REQUIRED BY ARTICLE 6
OF THE PUBLIC OFFICERS’ LAW (FREEDOM OF INFORMATION LAW)
ADOPTED MARCH 6, 1996**

RESOLVED, that the following Rules and Regulations be and hereby are adopted:

**RULES AND REGULATIONS OF THE COUNTY OF HERKIMER INDUSTRIAL
DEVELOPMENT AGENCY, AS REQUIRED BY ARTICLE 6 OF THE PUBLIC
OFFICERS’ LAW (FREEDOM OF INFORMATION LAW)**

- I. INTENT
- II. PUBLIC RECORDS
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- IV. WHEN AND WHERE
- V. FEES
- VI. UNWARRANTED INVASION OF PERSONAL PRIVACY
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I. INTENT

It is the intent of the County of Herkimer Industrial Development Agency (the IDA) by the adoption of these rules to provide the public individually and collectively as represented by “free news media”, unimpaired access to its public records as herein described.

II. PUBLIC RECORDS

The IDA shall make available for public inspection and copying all records except those, or parts 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 VI of this resolution;
- c. If disclosed would impair present or imminent contract awards or collective bargaining negotiations;
- d. Are trade secrets or are maintained for the regulations of commercial enterprise, 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:
 - interfere with law enforcement purposes and judicial proceedings
 - deprive a person of right to a fair trial or impartial adjudication
 - identify a confidential source or disclose confidential information relating to a criminal investigation, or
 - reveal criminal investigative techniques or procedures, except routine techniques and procedures
- f. If disclosed would endanger the life or safety of any person;
- g. Are inter-agency or intra-agency materials which are not;

- statistical or factual tabulations or data
 - instructions to staff that affect the public, or
 - final agency policy or determinations
- h. Are examination questions or answers, which are requested prior to the final administration of such questions.

III. RECORDS ACCESS OFFICER

The Executive Director of Economic Development of the IDA is hereby designated the records access officer in accordance with Section 1401.2 of the Rules of the Committee on Public Access to Records, and is directed to comply with Part 1401 of Chapter IX of the Rules of the Committee on Public Access to Records and in particular to Section 1401.2 thereof.

IV. WHEN AND WHERE

- a. Records shall be made available within five (5) working days of the receipt of the request;
- b. Records shall be available during normal business hours at the office of the County of Herkimer Industrial Development Agency, 420 E. German Street, Herkimer, NY 13350;
- c. 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 acknowledgement of receipt of the request and statements of the approximate date when the request will be granted or denied. If access to records is neither granted nor denied within ten (10) business days after the date of acknowledgement of receipt of a request, the request may be construed as a denial of access that may be appealed;
- d. In the event a requested record cannot be found, the Executive Director of Economic Development of the IDA shall certify that he has searched the records in his custody and that such record cannot be found;
- e. The IDA shall make and maintain for public inspection and copying a list to identify available records, which list shall be compiled and maintained by the records access officer;

V. FEES

- a. The IDA shall make no charge for an inspection of its records;
- b. The IDA shall charge \$.25 for each 8 ½ X 14 photocopy that it is required to make except as otherwise authorized by law. Other copies shall be available at the cost thereof;
- c. The IDA shall make no charge for each certificate that it attaches to the record certifying to its correctness, except as otherwise authorized by law;

VI. UNWARRANTED INVASION OF PERSONAL OR BUSINESS PRIVACY

The IDA shall not permit an unwarranted invasion of personal privacy through access to its records. An unwarranted invasion of personal privacy includes, but is not limited to:

- a. Disclosure of personal matters as may have been reported in confidence and which are not relevant to the ordinary work of the IDA;
- b. Disclosure of employment, medical or credit histories or personal references of applicants for employment, except such records may be disclosed when the applicant has provided a written release permitting such disclosure;

- c. Disclosure of items involving the medical or personal records of a client or patient in a hospital or medical facility;
- d. The sale or release of lists of names and addresses in the possession of the IDA if such lists would be used for private, commercial or fundraising purposes;
- e. Disclosure of items of a personal nature when disclosure would result in economic or person hardship to the subject party and such records are not relevant or essential to the ordinary work of the IDA;
- f. Disclosure of personal or business financial statements or other business proprietary information of a closely held (non-public traded) business concern;

VII. DENIAL OF ACCESS

- a. Should access be denied, such denial shall be in writing, stating the reason therefore and advising the person denied access of his (or her) right to appeal to the Executive Director of the County of Herkimer Industrial Development Agency or his designee, and that person shall be identified by name, title, business address and business telephone number;
- b. Should the Record Access Officer deny access to any IDA record to anyone, such party may, within thirty (30) days, appeal such denial to the Executive Director of the County of Herkimer Industrial Development Agency, or his or her designee, who shall within five (5) business days furnish the record or state in detail, and in writing, his or her reason for denial thereof;
- c. The time for deciding an appeal by the individual or body designated to hear appeals shall commence upon receipt of written appeal identifying:
 - the date and location of a request for records;
 - the records that were denied; and
 - the name and return address of the appellant.
- d. The IDA 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
- e. The Executive Director of the County of Herkimer Industrial Development Agency shall inform the appellant and the Committee on Public Access to Records of his determination, in writing, within seven (7) business days of receipt of an appeal;
- f. A final denial of access to a requested record, as provided for in subdivision (e.) of this section, shall be subject to court review, as provided for in Article 73 of the Civil Practice Law and Rules;

VIII. EXISTING RIGHT OF ACCESS

Nothing in these Rules and Regulations shall be construed to limit or abridge an existing right of access at law or in equity of any party to public records kept by the County.

IX. EFFECTIVE DATE

These Rules and Regulations shall take effect on the 7th day of March 1996.