

ERIENET LOCAL DEVELOPMENT CORPORATION

PUBLIC ACCESS TO RECORDS POLICY

Introduction

This Public Access to Records Policy (“Policy”) shall apply to the ErieNet Local Development Corporation (the “Corporation”).

Purpose:

1. Designation of records access officer
2. Requests for public access to records
3. Denial of access to records
4. Fees

Section 1. Purpose

(a) This policy provides information concerning the procedures by which records may be obtained from the Corporation in accordance with the Freedom of Information Law (“FOIL”).

Section 2. Designation of records access officer

(a) The following person is designated as the records access officer; however, the Executive Director may from time to time designate another person as the records access person as he/she may deem necessary or desirable:

Melissa Hartman, Executive Director
Address: 1 Seneca Street, 29th Floor
Buffalo, New York 14203
Telephone: (716) 771.9967
Email Address: melissa.hartman@erienet.com

(b) The records access officer is responsible for insuring appropriate Corporation response to public requests for access to records.

The records access officer shall insure that Corporation personnel:

(1) Maintain an up-to-date subject matter list reasonably detailing all records in the possession of the Corporation, whether or not available under FOIL.

(2) Maintain a record setting forth the name, public office address, title, and salary of every officer or employee of the Corporation.

Section 3. Requests for public access to records

(a) A written request for a record shall be made to the Record Access Officer. In addition, a written request for a record may be submitted in the form of electronic mail and the Authority shall respond to such requests by electronic mail, using forms, to the extent practicable, consistent with the form(s) developed by the Committee on Open Government.

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

(1) 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;

(2) granting or denying access to records in whole or in part;

(3) 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

(4) 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.

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

Section 4 Denial of access to records.

(a) Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the individual established to determine appeals, who shall be identified by name, title, business address and business phone number.

(b) The following person shall determine appeals regarding denial of access to records under the Freedom of Information Law:

Thomas Baines, Esq, Chair
Address: 1 Seneca Street, 29th Floor
Buffalo, New York 14203
Telephone: (716) 858-6043
Email Address: thomas.baines@erie.gov

- (c) Any person denied access to records may appeal within thirty days of a denial.
- (d) The time for deciding an appeal by the individual to determine appeals shall commence upon receipt of a written appeal identifying:
 - (1) the date and location of requests for records;
 - (2) a description, to the extent possible, of the records that were denied; and
 - (3) the name and return address of the person denied access.
- (e) 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.
- (f) The person 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
41 State Street
Albany, NY 12231
- (g) The person 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. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth subdivision (f) of this section.

Section 5 Fees.

- (a) Fees for reproduction may be charged as follows:
 - (1) 25 cents per page for photocopies not exceeding 9 by 14 inches. If the paper copies requested are larger than 9"x14" the Authority can charge the actual cost of making the copies; or
 - (2) The actual cost of reproducing a record, which may include:

(a) An amount equal to the hourly salary attributed to the lowest paid Corporation employee who has the necessary skill required to prepare a copy of the requested record if more than 2 hours of time is required;

(b) The actual cost of the storage devices

(c) The actual cost to the Corporation of engaging an outside professional service to prepare a copy of a record in the event the Corporation's information technology equipment is inadequate to prepare a copy.

Adopted this 12th day of September, 2022