

Herkimer County Community College Board Policy

TITLE: Public Access to Records Regulations

POLICY #: CR 05-11

DATE OF BOARD OF TRUSTEES APPROVAL: March 16, 2006

RESOLUTION #: 05-11, 09-38, 13-4, 18-22

POLICY STATEMENT:

The following policy shall govern access to College records and information, and insure that the College is open and responsive to the public it serves, in accordance with the Freedom of Information Law and requirements established by the State Committee on Open Government.

I. Designation of Senior Vice President for Administration and Finance

- A. The College is responsible for insuring compliance with regulations herein, and designates the following person as Senior Vice President for Administration and Finance:
Chief Financial Officer
Herkimer County Community College
100 Reservoir Road
Herkimer, NY 13350
(315) 866-0300, Ext. 8290
- B. The Senior Vice President for Administration and Finance shall maintain a reasonably detailed subject matter list, by subject, of all records in possession of the College, whether or not records are available, pursuant to subdivision two of section eighty-seven of the Public Officers' Law. The subject matter list shall be updated regularly. The most recent update shall appear on the first page of the subject matter list.
- C. The Senior Vice President for Administration and Finance is responsible for insuring appropriate College response to public requests for access to records. The designation of a Senior Vice President for Administration and Finance shall not be construed to prohibit officials who have in the past been authorized to make records available to the public from continuing to do so.

II. Access to Records

- A. Requests to inspect or obtain copies of College records pursuant to this and any other policy relative to inspection of records may be submitted to the Senior Vice President for Administration and Finance at the above address between the hours regularly open for business. These hours generally are 8:00 a.m. to 4:00 p.m. on College business days.
- B. Records may be examined only under the supervision of the Senior Vice President for Administration and Finance; or where impractical, an alternate employee designated by the Senior Vice President for Administration and Finance to assist the person requesting access.

III. Records and Information Unavailable for Public Inspection and Copying

- A. To prevent unwarranted invasions of personal privacy, the following are not available for public inspection and copying:
 - 1. Matters of a personal nature as may have been reported in confidence to the College and which are not relevant or essential to the ordinary work of the College;
 - 2. Employment, medical, credit histories or personal references of applicants for employment, except such records will be disclosed when the applicant provides a written release permitting such disclosure;
 - 3. Items involving the medical or personal records of employees or students of the College;
 - 4. Lists of names and addresses in the possession of the College, if such lists are to be used for private, commercial or fund-raising purposes;
 - 5. Items of a personal nature when disclosure would result in economic or a personal hardship to the subject party and such records are not relevant or essential to the ordinary work of the College;
 - 6. Matters specifically exempted by statute;
 - 7. Information confidentially disclosed to the College and compiled and maintained for the regulation of commercial enterprise, including trade secrets or for the grant or review of a license to do business, and if openly disclosed would permit an unfair advantage to competitors of the subject enterprise, but this exemption shall not apply to records the disclosure of publication of which is directed by other statute; or
 - 8. Any record or information which if disclosed would constitute any unwarranted invasions of personal privacy pursuant to the standard set forth in Subdivision 3 of Section 88 of the Public Officers' Law.

IV. Procedure with Respect to Inspection of Payrolls

- A. Designation of Senior Vice President for Administration and Finance: Chief Financial Officer.
- B. Upon written notice made upon a form provided by the College and prescribed by the Comptroller of the State of New York specifying what records are to be requested with particularity, the Senior Vice President for Administration and Finance shall make available for inspection payroll records to bona fide members of the news media which may be inspected under the supervision of the particular Senior Vice President for Administration and Finance's Office and only in the Senior Vice President for Administration and Finance's Office during regular College working hours and on regular working days or at such other places as may be convenient to the Senior Vice President for Administration and Finance.

V. Requests for Public Access to Records

- A. All requests to obtain or inspect copies of College records shall be submitted to the Senior Vice President for Administration and Finance, in duplicate, on the "Application for Public Access to Records" form.
- B. A request shall reasonably describe the record(s) sought, including whenever possible, dates, file designations or other information that may help to describe the records sought.
- C. Within five (5) business days of receipt of the request, the Senior Vice President for Administration and Finance shall respond to the request by taking one of the following actions:
 - 1. Making the requested record(s) available for inspection and photo copying; in which case the Senior Vice President for Administration and Finance or another designated College employee shall be physically present while such records are being examined/copied.
 - 2. Denying access to the requested record(s), in whole or in part, in which case the requester will be notified in writing of the reason for denial and his/her rights as to appeal to the individual or body established to hear appeals.
 - 3. Certifying that the record(s) have not been located because the College is not the custodian for such record(s), or because the record(s) cannot be found after diligent search.

- D. If the Senior Vice President for Administration and Finance does not provide or deny access to the record(s) within five (5) business days of receipt of a request, the Senior Vice President for Administration and Finance shall furnish a written acknowledgment of receipt of the request and a statement of the approximate date when the request will be granted or denied.

VI. Denial of Access to Records

- A. An applicant denied access to a public record may file an appeal by delivering a written letter of appeal with a copy of the request and denial, within thirty (30) days after the denial from which appeal is taken.
- B. The following person or body shall hear appeals for denial of access to records:
 - President
 - Herkimer County Community College
 - 100 Reservoir Road
 - Herkimer, NY 13350
- C. The individual designated to hear appeals shall transmit to the Committee on Open Government copies of all appeals and ensuing determinations. Such copies shall be addressed to:
 - Committee on Open Government
 - Department of State
 - 162 Washington Avenue
 - Albany, NY 12231
- D. The person designated to hear appeals shall inform the appellant and the Committee on Open Government of his/her determination in writing ten (10) business days or receipt of an appeal.

VII. Fees

- A. There shall be no fee charged for search for records, inspection of records or certification of records.
- B. Copying and billing will be handled by a secretary in the Main Office at the request of the Senior Vice President for Administration and Finance. Non-College residents shall be assessed a fee for photo copies not exceeding 9 x 14 inches of twenty-five cents (\$.25) per page. Fees for larger records will be the actual copying cost of reproduction.

C. No records shall be reproduced until payment is tendered in cash, check or money order, payable to the College.

VIII. Personal Privacy Protection

Nothing in this policy shall be construed to preclude the College from denying access to records, or deleting matter from otherwise available records, to avoid an unwarranted invasion of privacy under the Personal Privacy Protection Law, Public Officers' Law, Article 6-A.

IX. Severability

If any provision of these regulations or the application thereof to any person or circumstance is judged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of other provisions of these regulations or their application thereof.

Legal Ref: Article 6 of the New York State Public Officers' Law

BACKGROUND:

Reference material and forms for request for information on file with the Vice President for Administration and Finance.

This policy was amended in order to update the language of the policy statement by changing the outdated title references to the "Dean of Administration" to the current and correct title of "Vice President of Administration and Finance." The price to be charged per page for machine copies was also updated in the Policy Statement to \$.25/page.

The policy language was amended in September 2013 to be more up-to-date, detailed and comprehensive, and the policy title was changed to "Public Access to Records Regulations," in order to more accurately reflect the revised content and scope of the policy language.

The policy language was further amended in April 2019, in order to correct/update professional titles referenced in the process.

REVISED: 4/29/2010, 9/25/2013, 4/25/2019