

East of Hudson Watershed Corporation
Standard Operating Procedure
Access to Records
Adopted by Board of Directors May 7, 2013

§ 1 - Purpose and Scope

- A. This Standard Operating Procedure provides the Corporation's policy and procedures concerning access to the Corporation's records by members of the public.
- B. Personnel shall furnish to the public the information and records required by the Freedom of Information Law, with which law the Corporation has elected to comply.
- C. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

§ 2 – Designation of Records Access Officer

- A. The Corporation is responsible for ensuring compliance with the procedures herein, and designates the Secretary of the Corporation as Records Access Officer. The Secretary's mailing address is East of Hudson Watershed Corporation, 2 Route 164, Patterson, NY 12563, telephone 845-319-6349, fax 845-319-6391.
- B. The Records Access Officer is responsible for insuring appropriate agency response to public requests for access to records. The designation of the 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 Records Access Officer shall insure that personnel:
 - 1. Maintain an up-to-date subject matter list.
 - 2. Upon locating the records, take one of the following actions:
 - a. Make records available for inspection; or
 - b. Deny access to the records in whole or in part and explain in writing the reasons therefor.
 - 3. Upon request for copies of records:
 - a. Make a copy available upon payment or offer to pay established fees, if any, in accordance with § 7; or
 - b. Permit the requester to inspect those records.
 - 4. Upon request, certify that a record is a true copy; and

5. Upon failure to locate records, certify that:
 - a. The Corporation is not the custodian for such records; or
 - b. The records of which the Corporation is a custodian cannot be found after diligent search.

§ 3 – Location

Records shall be made available for public inspection and copying at East of Hudson Watershed Corporation, 2 Route 164, Patterson, NY 12563

§ 4 – Hours for Public Inspection

Request for public access to records shall be accepted and records produced during the days and hours regularly open for business. The hours are 9 a.m. to 4 p.m. Monday through Friday, except holidays. Any request received after 4 p.m. is considered to be received the next business day.

§ 5 – Requests for Public Access to Records

- A. All requests must be written and submitted either via email or in hard copy.
- B. A response shall be given regarding any request reasonably describing the record or records sought within five business days of receipt of request.
- C. A request shall reasonably describe the record or records sought. Whenever possible a person requesting records should supply information regarding dates, file designations or other information that may help to describe the records sought.
- D. If the Records Access Officer does not provide or deny access to the record sought within five business days of receipt of a request, he or she shall furnish a written acknowledgement of receipt of the request within five business days and a statement of the approximate date when the request will be granted or denied, generally not to exceed twenty business days after the date of the acknowledgment.

§ 6 – Denial of Access to Records

- A. A 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.
- B. If requested records are not provided promptly, as required in § 5D of these regulations, such failure shall also be deemed a denial of access.

- C. The President of the Corporation shall determine appeals regarding denial of access to records under the Freedom of Information Law.
- D. The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:
 - 1. The date of the appeal.
 - 2. The date and location for the requests for records.
 - 3. The records to which the requester was denied access.
 - 4. Whether the denial of access was in writing or due to failure to provide records promptly as required by § 5D; and
 - 5. The name and return address of the requester.
- E. The President of the Corporation shall inform the requester of a decision in writing within ten business days of receipt of an appeal.
- F. The President shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be address to: Committee on Open Government, Department of State, 41 State Street, Albany, NY 12231.
- G. The President 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 in Subdivision F of this section.

§ 7 – Fees

- A. There shall be no fee charged for inspection of records or search for records.
- B. Photocopies not exceeding 11 inches by 17 inches shall be charged at 25-cents per page.
- C. The fee for copies of records other than photocopies which are 11 inches by 17 inches or less in size shall be the actual copying cost excluding fixed Corporation costs such as salaries.
- D. The fee for copies of videotapes, CDs, or other electronic media shall be the actual copying costs as set by commercial copying services.

§ 8 – Public Notice

A notice containing the title or name and business address of the Records Access Officers and appeals person or body and the location where records can be seen or copies requested shall be posted on the Corporation's website.