

RECORDS

Chapter 63

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[HISTORY: Adopted by the Board of Trustees of the Village of Barker as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Public Access to Records
[Adopted 12-2-1974 by resolution]

§ 63-1. Applicability of rules and regulations.

The following rules and regulations shall apply to the public inspection and copying of such village records as are subject to public inspection by law and shall continue in effect until altered, changed, amended or superseded by further resolution of this Village Board, or by action of the Committee on Public Access to Records established pursuant to Chapters 578, 579 and 580 of the Laws of 1974.

§ 63-2. Place of inspection.

Such records shall be made available for inspection at the office of the village officer or employee charged with the custody and keeping thereof.

§ 63-3. Time of inspection.

[Amended 3-6-2000 by resolution]

Requests for inspection shall be accepted during all business hours the village office is open for business. Such records shall be made available for public inspection on regular business days between the hours of 10:00 a.m. and 12:00 noon and 2:00 p.m. and 4:00 p.m. if readily available. If not readily available, written request specifically describing records to which access is desired shall be filed with the village officer or employee charged with the custody and keeping thereof, who shall produce same within 48 hours of such request. Such written request shall be on the form prescribed by the State Comptroller. If the village officer or employee charged with the custody and keeping of the record elects to refuse access, he shall submit to the requestor written statement of his reason therefor within 48 hours of such request.

§ 63-4. Fees.**A. Copies.**

- (1) The village officer or employee charged with the custody and keeping of the record shall upon request make a copy or copies of any record subject to such inspection upon a payment of a fee of \$0.25 per page.
- (2) If a copy or copies are desired thereof by the requestor, the village officer or employee charged with the custody and keeping of the record shall make the same and mail or deliver the same to the requestor within one week depending on the volume and number of copies requested.

B. Certification. Any village officer or employee charged with the custody and keeping of any such record shall, upon request, certify a copy of a document or record prepared pursuant to the provisions of the preceding subsection. **[Amended 3-6-2000 by resolution]****§ 63-5. Privacy restrictions.**

To prevent an unwarranted invasion of personal privacy, the Committee on Public Access to Records may promulgate guidelines for the deletion of identifying details for specified records which are to be made available. In the absence of such guidelines, an agency or municipality may delete identifying details when it makes records available. An unwarranted invasion of personal privacy includes but shall not be limited to:

- A.** Disclosure of such personal matters as may have been reported in confidence to an agency or municipality and which are not relevant or essential to the ordinary work of the agency or municipality.
- B.** Disclosure of employment, medical or credit histories or personal references of applicants for employment, ex-

cept that 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 any department if such lists would be used for private, commercial or fund-raising purposes.
- E. Disclosure of items of a personal nature when disclosure would result in economic or personal hardship to the subject party and such records are not relevant or essential to the ordinary work of the department.

§ 63-6. Subject matter list.

Each department shall maintain and make available for public inspection and copying, in conformity with such regulations as may be issued by the Committee on Public Access to Records, a current list, reasonably detailed, by subject matter of any records which shall be produced, filed, or first kept or promulgated after the effective date of this article. Such list may also provide identifying information as to any records in the possession of the department on or before the effective date of this article.

§ 63-7. Maintenance of other village records.

In addition to such requirements as may be imposed by this article or by Chapter 578 of the Laws of 1974, each board, commission or other group of the village having more than one member shall maintain and make available for public inspection a record of the final votes of each member in every agency proceeding in which he votes.

§ 63-8. Designation of Records Access Officer.

[Added 3-6-2000 by resolution]

The Records Access Officer for all records of the Village of Barker shall be the Village Clerk.

§ 63-9. Conflict with other provisions.

[Added 3-6-2000 by resolution]

If any provisions of these regulations are in conflict with Article 6 of the New York State Freedom of Information Law or 22 NYCRR Part 1404, amended from time to time, such state law and state regulations shall prevail and be incorporated as part of these regulations.

ARTICLE II**Retention and Disposition**

[Adopted 3-6-1989 by resolution]

§ 63-10. Adoption of schedule.

Records Retention and Disposition Schedule MU-1, issued pursuant to Article 57-A of the Arts & Cultural Affairs Law, and containing legal minimum retention periods for municipal government records, is hereby adopted for use by all municipal officers in disposing of municipal government records listed therein.

§ 63-11. Disposal of records.

In accordance with Article 57-A:

- A. Only those records will be disposed of that are described in Records Retention and Disposition Schedule MU-1 after they have met the minimum retention period prescribed therein;

- B. Only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established time periods.