

Chapter 125

RECORDS, PUBLIC ACCESS TO

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[HISTORY: Adopted by the Board of Trustees of the Village of Kensington 10-16-74 by resolution. Section 125-5 amended at time of adoption of code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

§ 125-1. Statutory authority.

The Board of Trustees promulgates this set of rules in accordance with Chapter 578 of the Laws of 1974 and subsequent amendments thereto.

§ 125-2. Designation of records access officer.

The Village Clerk is hereby designated as the records access officer of the Village of Kensington, including all agencies of the municipality.

§ 125-3. Application for access.

Persons seeking public records shall make application to the records access officer upon the application form supplied by such officer, in the event such records are not readily available.

§ 125-4. Hours of access.

The records access officer is hereby directed to make available to persons requesting records those public records which, by law, are required to be made available for public inspection and copying. In the event the request for public records interferes with the operation of the office of the Village Clerk and makes it difficult for members of the public to receive the regular services of the Village Clerk, the records access officer is hereby authorized to establish hours during each day when he shall process requests for records, including the times when such requests shall be made in order to enable him to find the records for review and copying. The times so established by the records access officer shall be conspicuously posted in the office of the Village Clerk.

§ 125-5. Costs of copies.¹

The records access officer is authorized to copy any records which are within the purview of the law and to charge the fees authorized by the Public Officers Law § 87, Subdivision 1(b)iii. No records shall be reproduced until payment is first received.

¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 125-6. Records not to be removed from custody.

No records shall be removed from the lawful custody of any public office charged with the duty of maintaining such records.

§ 125-7. Records temporarily unavailable.

In the event any requests cannot be met because such records are being used for current working purposes, the applicant shall be advised of such fact and every effort will be made to arrange a specific time when such records will be available.

§ 125-8. Determination of confidentiality.

In the event a question arises as to the nature of the records in that public viewing of such records may result in an unwarranted invasion of a citizen's personal privacy or may result in a disclosure of material that must be confidential to promote effective law enforcement or for any other reason which, in the opinion of the records access officer, is valid to promote the public interest while consistent with the new law, the records access officer shall confer with the Village Attorney before determining if such records shall be made available for inspection.

§ 125-9. Report to Trustees of denial of access.

In the event any person is denied access to any public records in violation of the law, that person shall advise the Board of Trustees of such denial in writing and set forth the records requested, the reason for denial and the fact that the fees for such records were, in fact, tendered.

§ 125-10. Nature of regulations.

These regulations shall be temporary and considered as such until the state guidelines are promulgated and until more comprehensive regulations can be prepared.

§ 125-11. Purpose.

The purpose of such regulations shall be to maintain the spirit of the law and to recognize that the concept of open records is consistent with the purpose of this Board of Trustees.