

CIVIC CENTER MONROE COUNTY LDC

Freedom of Information Policy

Civic Center Monroe County is a Not-For-Profit Local Development Corporation pursuant to Sections 402 and 1411 of the Not-For-Profit Corporation Law of the State of New York. The purpose of this document is to establish the policy and procedure for providing information requested under the Freedom of Information Law.

1. Freedom of Information Law (FOIL)

The New York State Legislature declared that government is the public's business and that the public, individually and collectively, and represented by a free press, should have access to the records of government in accordance with the provisions of this article. The Freedom of Information Law (FOIL) is codified in the Public Officers Law §§84-90. It applies to all units of state or municipal departments, board, bureau, division, commission, committee, public authority, public corporation, counsel, office or other governmental entity performing a governmental or proprietary function for the state or any one or more municipalities thereof, except the judiciary or the State Legislature.

2. Request for Access

A request for access to records should be made to Richard Bell, Records Access Officer for Civic Center Monroe County, c/o 50 West Main Street, Suite 8100, Rochester, NY 14614. You may download and complete a [Freedom of Information Request form](#) for this purpose.

3. Record

The Freedom of Information Law defines a record to be any information kept, held, filed, produced or reproduced by, with, or for an agency or the state legislature, in any physical form whatsoever. Under the law, all records are accessible, except records or portions of records that fall within one of nine categories of deniable records as stated in §87(2) of the Public Officer's Law. Furthermore, the law provides access to existing records, and therefore, an agency need not create a record in response to a request.

4. Request for Records

When making a request, you should reasonably describe the record in which you are interested. Public Officers Law §89(3). If possible, you should include dates, titles, file designations, or any other information that will help to find requested records. Within five business days of the receipt of a written request for a record reasonably described, the agency must make the record available, deny access in writing giving the reasons for denial, or furnish a written acknowledgment of receipt of the request and a statement of the approximate date when the request will be granted or denied. If neither a response to a request nor an acknowledgement of receipt of a request is given, a request may be considered to have been constructively denied. Therefore, the denial may be appealed in accordance with §89(4)(a) of the Public Officers Law.

5. Appeals Process

A denial of access to records must be in writing, stating the reason for the denial, and advising you of your right to appeal to the head or governing body of the agency or the person designated to hear appeals by the head or governing body of the agency. You may appeal within thirty (30) days of the denial. Upon receipt of the appeal, the appeals officer has ten (10) business days to fully explain in writing the reasons for further denial of access or to provide access to the records. Copies of all appeals and the determinations must be sent by the agency to the Committee on Open Government. Public Officers Law §89(4)(a). This requirement enables the Committee on Open Government to monitor compliance with the law and intercede when a denial of access may be improper. Furthermore, you may seek judicial review of a final agency denial by means of a proceeding initiated under Article 78 of the Civil Practice Law and Rules.

6. Fees

Civic Center Monroe County may charge up to twenty-five cents (25¢) per photocopy, not in excess of 9 x 14 inches, unless a different fee is prescribed by statute. Additionally, fees for copies of other records may be charged based upon the actual cost of reproduction.

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