



State University of New York

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Memorandum to Presidents

ACADEMIC PROGRAMS
POLICY & PLANNING

Date: January 2, 1985

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From: Office of the University Counsel
and Vice Chancellor for Legal Affairs

Subject: Freedom of Information Law - VIII

To: Presidents, State-operated Campuses

At its December 18, 1984 meeting, the State University Board of Trustees amended the regulations governing public access to University records under the Freedom of Information Law (Part 311 of Title 8, Official Compilation of Codes, Rules and Regulations of the State of New York). A copy of the Board resolution authorizing these amendments is attached.

The amended regulations increase the copying fee for copies of records from 15 cents to 25 cents per page. This is the maximum amount which may be charged under the Freedom of Information Law for photocopies not in excess of nine inches by fourteen inches. This change will conform the Freedom of Information Law regulations to the State University regulations promulgated pursuant to the Personal Privacy Protection Law (8 NYCRR Part 315) which impose a copying fee of 25 cents per page for records (see Memorandum to Presidents, Vol. 84, No. 8, July 30, 1984).

The amended regulations also: (1) change from seven days to ten days the time within which an appeal of a denial of access to records shall be decided by the University-wide Appeals Officer; and (2) change the name of the Committee on Public Access to Records to the Committee on Open Government. These changes were necessitated by recent amendments to the Freedom of Information Law (L. 1984, ch. 227; L. 1983, ch. 80).

Any questions concerning these amendments should be directed to the Office of University Counsel (518-473-7591).

Sanford H. Levine
Sanford H. Levine

Attachment

cc: Records Access Officers,
State-operated Campuses

Copies for information only sent to:

Presidents, Community Colleges
Deans, Statutory Colleges
President Coll
Vice Provost Spencer

Board of Trustees Resolution 84-293, adopted December 18, 1984

Resolved that sections 311.1(b), 311.6(e), 311.6(f), 311.6(g) and 311.7(b) of Chapter V of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York, adopted November 28, 1978, by Resolution 78-305, as last amended May 25, 1983 by Resolution 83-95, be and hereby are, amended to read as follows (brackets denote old material to be deleted; underlining denotes new material to be added):

311.1(b) Records access officers are responsible for insuring appropriate agency response to public requests for access to records. The designation of records access officers 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. Records access officers shall insure that personnel:

- (1) maintain an up-to-date subject matter list;
- (2) assist the requester in identifying requested records, if necessary;
- (3) upon locating the records, take one of the following actions:
 - (i) make records available for inspection; or
 - (ii) deny access to the records in whole or in part and explain in writing the reasons therefor;
- (4) upon request for copies of records, make a copy available upon payment of [15] 25 cents per page;
- (5) upon request, certify that a record is a true copy; and
- (6) upon failure to locate records; certify that:
 - (i) the university or campus is not the custodian for such records; or
 - (ii) the records of which the university or campus is a custodian cannot be found after diligent search.

311.6(e) The individual or body designated to hear appeals shall inform the requester of its decision in writing within [seven] ten business days of receipt of an appeal.

311.6(f) The person or body designated to hear appeals shall transmit to the Committee on [Public Access to Records] Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on [Public Access to Records] Open Government
Department of State
162 Washington Avenue
Albany, New York 12231

311.6(g) The person or body designated to hear appeals shall inform the appellant and the Committee on [Public Access to Records] Open Government of its determination in writing within [seven] ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on [Public Access to Records] Open Government in the same manner as set forth in subdivision (f) of this section.

311.7(b) Copies of records shall be provided upon payment of [15] 25 cents per page.