



State University of New York

JAN 12 1989

Dr. Rowland

Memorandum to Presidents

Date: January 10, 1989 Vol. 89 No. 1
From: Office of University Counsel and
Vice Chancellor for Legal Affairs
Subject: Freedom of Information Law X
To: Presidents, State-Operated Campuses

Consistent with the reorganization plan announced by Chancellor Johnstone, the function of University-wide appeals officer under the Freedom of Information Law and the Personal Privacy Protection Law has been assigned to the Vice Chancellor for Governmental and University Relations, or designee. A copy of the State University Trustees' action amending the University's regulations is attached (Parts 311 and 315 of Title 8, Official Compilation of Codes, Rules and Regulations of the State of New York).

As a result of these amendments, when a request for access to records is denied under either the Freedom of Information Law or the Personal Privacy Protection Law, the denial should identify the Vice Chancellor for Governmental and University Relations, State University of New York, State University Plaza, Albany, New York 12246, as the officer to whom appeals may be made. Additionally, the Freedom of Information Law regulations (Section 311.9) require each campus to post a public notice of the title and business address of the campus records access officer and the University-wide appeals officer as well as the location where records may be seen or copied. Accordingly, such notice should now be amended to list the Vice Chancellor for Governmental and University Relations as the appeals officer.

Sanford H. Levine
Sanford H. Levine

Attach.
cc: Records Access Officers,
State-operated campuses

Copies for Information only sent to:

Presidents, Community Colleges
Deans, Statutory Colleges
President Coll
Vice President Nesheim

Board of Trustees Resolution 88-280
adopted December 14, 1988

Resolved that subdivision (a) of Section 311.1, subdivisions (d) and (e) of Section 311.6 and subdivision (d) of Section 311.7 of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York, as last amended on September 24, 1985 by Resolution 85-209, 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 Designation of records access officer.

- (a) The chancellor for the central administration of the university and the chief administrative officer of each State-operated institution are responsible for insuring compliance with the regulations herein. For the purposes of central administration of the university, the [Deputy to the Chancellor for] Executive Director, Central Administration Services, or designee, State University Plaza, Albany, NY 12246, shall serve as records access officer. A records access officer shall be designated by the chief administrative officer of each campus. The name, title and business address of the records access officer may be obtained from the office of the chief administrative officer of each campus.

311.6 Records containing trade secrets.

- (d) A denial of an exception from disclosure may be appealed by the person submitting the records and a denial of access to the records may be appealed by the person requesting the records. The following person shall hear such appeals:

Vice Chancellor for [University Affairs
and Development] Governmental and University
Relations, or Designee
State University of New York
State University Plaza
Albany, New York 12246
Telephone: (518) [473-1825] 443-5148

- (e) Records or parts of records identified as trade secrets shall be maintained in a safe and secure manner and shall be charged to the custody of the head of the department or office in which the records are filed. That individual shall specify which persons subject to his or her supervision may inspect such records. The records access officer, the [Deputy to the Chancellor for] Executive Director, Central Administration Services, or designee, and the Vice Chancellor for [University Affairs and Development] Governmental and Univer-

sity Relations, or designee, shall have the right to inspect such records.

311.7 Denial of access to records.

- (d) The following person shall hear appeals for denial of access to records under the Freedom of Information Law:

Vice Chancellor for [University Affairs
and Development] Governmental and University
Relations, or Designee
State University of New York
State University Plaza
Albany, New York 12246
Telephone: (518) [473-1825] 443-5148

and, be it further

Resolved that subdivision (a) of Section 315.2 and subdivision (a) of Section 315.9 of said Title, adopted on June 27, 1984 by Resolution 84-155, be, and hereby is, amended to read as follows:

315.2 Designation of privacy compliance officer.

- (a) The chancellor, for the central administration of the university, and the chief administrative officer of each State-operated institution are responsible for ensuring compliance with the regulations herein. For the purposes of central administration of the university, the [Deputy to the Chancellor for] Executive Director, Central Administration Services, or designee, State University Plaza, Albany, N.Y. 12246, shall serve as privacy compliance officer. A privacy compliance officer shall be designated by the chief administrative officer of each State-operated campus. The name, title and business address of the campus privacy compliance officer may be obtained from the office of the chief administrative officer of each campus.

315.9 Appeal.

- (a) Any person denied access to a record or denied a request to amend or correct a record or personal information pursuant to section 315.8 of this Part may, within thirty business days of such denial, appeal to:

Vice Chancellor for [University Affairs
and Development] Governmental and University
Relations, or designee
State University of New York
State University Plaza
Albany, New York 12246
Telephone: (518) [473-1825] 443-5148