Date: February 22, 1979

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

Subject: Freedom of Information Law VI

At its November 28, 1978 meeting the State University Board of Trustees amended the regulations covering public access to University records. A copy of these revised regulations is attached.

The amendments do not generally require changes in existing campus practices but rather centralize information on the procedures which the public must follow to gain access to University records. The amendments include the following:

1. A statement that the title and address of each campus records access officer can be obtained by contacting the president's office of the campus in question;

2. A designation of the Vice Chancellor for University Affairs as the records access officer for State University Central Administration;

3. A statement that a charge of $0.15 per page may be made for copies; and

4. A statement that an appeal from a campus decision to the University Counsel and Vice Chancellor for Legal Affairs must be determined within seven business days of receipt.

The revised regulations follow the format of the model regulations promulgated by the Committee on Public Access to Records. Other general requirements of the Freedom of Information Law may be found in our earlier Memoranda to Presidents (see particularly Memoranda to Presidents, Vol. 77, No. 20 and Vol. 78, No. 2).

Sanford H. Levine
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Memorandum to Presidents

This memorandum addressed to:

Presidents, State-operated Campuses

Copies for information only sent to:

Presidents, Community Colleges
Deans, Statutory Colleges
President Rose
Vice President Cook
Section 311.2 Location

Records shall be available for public inspection and copying at the records access office or at the location at which they are maintained.

Section 311.3: Hours for public inspection.

Requests for public access to records shall be accepted and records produced during all regular business hours.

Section 311.4: Requests for public access to records.

(a) A written request may be required, but oral requests may be accepted when records are readily available.

(b) A response shall be given regarding any request reasonably describing the record or records sought, within five business days of receipt of the request.

(c) A request shall reasonably describe the record or records sought. Whenever possible a person requesting records should supply information regarding dates, file designations or other information that may help to describe the record sought.

(d) If the records access officer does not provide or deny access to the record sought within five business days of receipt of a request, he or she shall 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 access to records is neither granted nor denied within ten business days after the date of acknowledgment of receipt of a request, the request may be construed as a denial of access that may be appealed.

Section 311.5: Subject matter list.

(a) Each records access officer shall maintain a reasonably detailed current list by subject matter of all records in his or her possession, whether or not records are available pursuant to subdivision two of Section eighteen of the Public Officers Law (Freedom of Information Law).

(b) The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.

(c) The subject matter list shall be updated not less than twice per year. The most recent update shall appear on the first page of the subject matter list.

Section 311.6: Denial of access to records.

(a) Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the individual or body established to hear appeals.

(b) If requested records are not provided promptly, as required in Section 311.4(a) of these regulations, such failure shall also be deemed a denial of access.
(c) The following person shall hear appeals for denial of access to records under the Freedom of Information Law:

University Counsel and Vice Chancellor for Legal Affairs  
State University of New York  
State University Plaza  
Albany, New York 12246  
(518) 473-7591

(d) The time for deciding an appeal by the individual designated to hear appeals shall commence upon receipt of a written appeal identifying:

(1) The date of the appeal.  
(2) The date and location of the requests for records.  
(3) The records to which the requester was denied access.  
(4) Whether the denial of access was in writing or due to failure to provide records promptly as required by Section 311.4(d); and  
(5) The name and return address of the requester.

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

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

Committee on Public Access to Records  
Department of State  
142 Washington Avenue  
Albany, New York 12231

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

Section 311.7 Fees.

(a) There shall be no fee charged for:

(1) inspection of records;  
(2) search for records; or  
(3) any certification pursuant to this part.

(b) Copies of records shall be provided upon payment of fifteen cents per page.

Section 311.8 Public notice.

A notice containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen or copied shall be posted in a conspicuous location wherever records are kept.
Section 311.9 Severability.

If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.