

GREENFIELD FIRE DISTRICT

DISTRICT POLICY #41

Origination Date: May 24, 2017

Revision #:

Effective Date:

Public Access to Records of the Greenfield Fire District

PURPOSE

The Greenfield Fire District will work to insure that the people's right to know the process of government decision-making and the documents and statistics leading to those determinations which is basic to our society will be available to the public. Access to such information should not be thwarted by shrouding it with the cloak of secrecy and confidentiality. These regulations provide information concerning the procedures by which records may be obtained. Fire District personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

POLICY/PROCEDURE

Section I Designation of Records Access Officer

- (a) The Board of Fire Commissioners of the Greenfield Fire District is responsible for insuring compliance with the regulations herein and designates the following as Records Access Officer(s):
 - District Administrator
 - District Fire Chief - fire reports only
- (b) The Records Access Officer(s) are responsible for insuring appropriate agency response to public requests for access to records. The designation of a records access officer 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. The Records Access Officer shall insure that Fire District personnel:
 - 1. Maintain an up to date subject matter list.
 - 2. Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved, or generated to assist in reasonably describing records.
 - 3. Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of the records of primary interest and attempt to reasonably reduce the volume of records requested.
 - 4. Upon locating the records, take one of the following actions:
 - a. Make records available for inspection; or
 - b. Deny access to the records in whole or in part and explain the reasons therefor.
 - 5. Upon request for copies of the records
 - a. Make a copy available upon payment of established fees, if any, in accordance with Section VI.
 - b. Requestors are not permitted to copy records

6. Upon request, certify that a request is a true copy; and
7. Upon failure to locate records, certify that;
 - a. Greenfield Fire District is not the custodian for such records, or
 - b. The records of which the Greenfield Fire District is alleged to be the custodian cannot be found after diligent search.

Section II Location and Hours for Public Inspection

- (a) The Greenfield Fire District Office is located at:
13 South Greenfield Road
Greenfield Center, New York 12833
- (b) Written requests may be delivered in person, emailed, or sent by US Mail, USPS or FedEx to: Greenfield Fire District
P.O. Box 103
Greenfield Center, NY 12833
Attn. Records Access Officer
- (c) Written requests for public access to records shall be accepted at the District Office during regular business hours and records produced at a prearranged time during regular business hours. The regular business hours are Monday through Friday 9:00 AM to 3:00 PM.
- (d) Requests for Fire Reports are available through the Office of the Fire District Chief upon a written request. Such Fire Report requests may be submitted to the Fire District office and time for viewing will be agreed upon between the District Chief and the requestor.

Section III Requests for Public Access to Records

- (a) A written request is required for all Fire District records.
- (b) If records are maintained on the internet, the requestor shall be informed that the records are accessible via the internet and in printed form.
- (c) A response shall be given within five business days of receipt of a request by:
 1. Informing a person requesting records the request or portion of the request does not reasonably describe the records sought, including direction to the extent possible, that would enable that person to request records reasonably described;
 2. granting or denying access to records in whole or in part;
 3. acknowledging the receipt of the request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgement, or if known that circumstances prevent disclosure within twenty business days from the date of such acknowledgement, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request when the request will be granted in whole or in part; or

4. if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgement, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgement specifying the reason for the inability to do so, when the request will be granted in whole or in part.
- (d) In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the Fire District, and similar factors that bear on the ability to grant access to records promptly and within reasonable time.
- (e) A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an employee:
1. fails to grant access sought, deny access in writing or acknowledge the receipt of the request within five business days of the receipt of a request;
 2. acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;
 3. furnishes an acknowledgement of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;
 4. fails to respond to a request within reasonable time after the approximate date given or within twenty business days after the date of the acknowledgement of the receipt of a request;
 5. determines to grant a request in whole or in part within twenty business days of the acknowledgement of the receipt of a request, but fails to do so, unless the agency provides the reason for its inability to do so in writing and a date certain within the request will be granted in whole or in part;
 6. does not grant a request in whole or in part within twenty business days of the acknowledgement of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and date certain by which the request will be granted in whole or in part; or
 7. responds to a request, stating that more than twenty business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such a date is unreasonable under the circumstances of the request.

Section IV Subject Matter List

- (a) The Records Access Officer shall maintain a reasonably detailed list by subject matter of all records in its possession, whether or not records are available pursuant to subdivision two (2) of Section eighty-seven (87) of the Public Officers 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 annually. The most recent update shall appear on the first page of the subject matter list.

Section V Denial of Access to Records

- (a) Denial of access to records shall be in writing stating the reason therefor and advising the requestor of the right to appeal to the Fire District's Board of Fire Commissioners.
- (b) If requested records are not provided promptly
- (c) The following persons shall determine appeals regarding denial of access to records under the Freedom of Information Law: Board of Fire Commissioners
P.O. Box 103, Greenfield Center, New York 12833. 518-893-0723.
- (d) Any person denied access to records may appeal within thirty (30) days of a denial.
- (e) The time for deciding an appeal by the Board of Fire Commissioners designated to determine appeals shall commence upon receipt of a written appeal identifying:
 - 1. the date and location of the requested records
 - 2. a description, to the extent possible, of the records that were denied; and
 - 3. the name and return address of the person denied access.
- (f) A failure to determine an appeal within ten (10) business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.
- (g) The Board of Fire Commissioner designated to determine appeals shall transmit to the Committee on Open Government of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government
Department of State
One Commerce Plaza
99 Washington Avenue, Suite 650
Albany, NY 12231
- (h) The Board of Fire Commissioners shall inform the appellant and the Committee on Open Government of its determination in writing within ten (10) business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth in subdivision (f) of this section.

Section VI Fees

- (a) There shall be no fee charged for:
 - 1. Inspection of records
 - 2. Search for records
 - 3. Any certification pursuant to this part.
- (b) Fees for copies may be charged, provided that:
 - 1. the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches; or

2. the fee for photocopies of records in excess of 9 by 14 inches shall not exceed the actual cost of reproduction; or
 3. the agency has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the original redactions were made.
- (c) The fee the Fire District may charge for a copy of any other record is based on the actual cost of reproduction and made include the following:
1. an amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and
 2. the actual cost of the storage devices or media provided to the person making the request in complying with such request; and
 3. the actual cost to the agency of engaging an outside professional service to prepare a copy of the record, but only when the agency's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.
- (d) When the Fire District has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the agency shall be required to retrieve or extract such data electronically. In such case, Fire District may charge a fee in accordance with paragraph (c) (1) and (2) above.
- (e) The Fire District shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of the Fire District employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.
- (f) The Fire District may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.
- (g) The Fire District may waive a fee in whole or in part in making copies of records available.

Section VII 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 the records can be seen or copied shall be posted in a conspicuous location wherever records are kept.

Section VIII 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 judgement shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.