PUBLIC ACCESS TO RECORDS OF THE ULSTER COUNTY CAPITAL RESOURCE CORPORATION

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Section 1 - Purpose and Scope:

(a) The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to records of governmental agencies is permissible under New York law, subject to certain exemptions and privileges.

(b) This Freedom of Information Law policy ("Policy") provides information concerning the procedures by which records of the Ulster County Capital Resource Corporation ("UCCRC" or "Corporation") may be obtained.

(c) 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 ("Law").

(d) Except as explicitly provided for in this Policy or by law, the Corporation is under no obligation to prepare any record not possessed or maintained by the Corporation.

(e) Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

Section 2 - Designation & Scope of Duties of Responsive Personnel:

(a) Records Custodian and FOIL Appeals Officer

(1) The Corporation is responsible for ensuring compliance with this Policy and designates the Corporation's Executive Director as records custodian ("Custodian") to whom all requests for information hereunder shall be directed. Requests shall be directed to the Custodian by email to info@ulstercountyida.com ("Corporation's Email Address"), or by U.S. mail to P.O. Box 4265, Kingston, NY 12402 ("Corporation's Mailing Address").

(2) The Corporation designates the Corporation's Chair as the FOIL Appeals Officer to whom all appeals concerning the Corporation's response, determination, production of information, and alleged failures to respond to requests for information hereunder shall be directed. Appeals shall

be directed to the FOIL Appeals Officer by email to the Corporation's Email Address, or by U.S. mail to the Corporation's Mailing Address.

(3) In the event there is a vacancy in the position of the Corporation Executive Director, then the Finance Officer of the Corporation shall serve as the Custodian unless the Corporation designates a different individual.

(4) In the event there is a vacancy in the position of the Corporation Chair, then the Chair of the Governance Committee shall serve as the FOIL Appeals Officer unless the Corporation designates a different individual.

(b) The Custodian shall be responsible for:

(1) Receiving requests for information, and reviewing them promptly;

(2) Delivering such requests to the Corporation in a timely manner to determine who may possess responsive information to such requests;

(3) Replying to the requester of information within five (5) days of receipt of the request, either (i) producing the requested information ("Immediate Response Letter") or (ii) setting forth the appropriate time for responding and other compliance information associated with such a response letter as set forth herein and in the Law ("Five-Day Letter");

(4) Reviewing and compiling responsive information to requests for information in compliance with the Law and direction of the Corporation, its Board members, staff, and counsel; and

(5) Maintaining a reasonably-detailed current list by subject matter of all records in the Corporation's possession.

(c) The FOIL Appeals Officer shall be responsible for:

(1) Reviewing appeals submitted under the Freedom of Information Law concerning the Corporation's response, determination, production of information, or alleged failure to respond related to requests for information; and

(2) Preparing timely responses to such appeals in compliance with the Law, and with the consultation of counsel, as necessary.

(d) Replies of the Corporation to a request for information may:

(1) Advise by delivery of an Immediate Response Letter that the records are attached to such letter, or direct the person where and how to access such records, or provide instructions as to where and when to inspect such records, as described and set forth in sub-section (3) below; or

(2) Advise by delivery of a Five-Day Letter to persons seeking records:
(i) When a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested; and/or
(ii) Inform a person requesting records that 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; and/or

(iii) Provide 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 (20) business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty (20) business days from the date of such acknowledgment, 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, and, if responsive records are produced. Upon locating the records, the Corporation shall respond as set forth in sub-section (3) of this section as appears below.

(3) Whenever responsive records are identified, whether responding in an Immediate Response Letter or in a Response following a Five-Day Letter, such response shall:
(i) Deny access to the records in whole or in part and explain in writing the reasons therefor. 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 determine appeals, who shall be identified by name, title, business address, and business phone number. If requested records are not provided promptly, as required in this policy, such failure shall also be deemed a denial of access; or
(ii) Make records available for inspection; and/or,
(iii) If records are maintained on the internet, the requester may be informed that the records are accessible via the internet and advised where and how to access them; and/or
(iv) Advise that a copy of the responsive records will be made available upon payment of established fees, if any, in accordance with Section 7 of this Policy; and/or
(v) Permit and advise the requester to copy those records; and
(vi) If requested, certify that a record is a true copy, or upon failure to locate records, certify that the Corporation is not the custodian for such records, or the records of which the Corporation is a custodian cannot be found after diligent search.

Section 3 - Location:

Records shall be available for public inspection and copying at the Corporation's Office or where such records are maintained if at another location or facility.

Section 4 - Hours for Public Inspection:

Requests for public access to records shall be accepted and records produced between the hours of 9 a.m. and 5 p.m. on weekdays which are not federal or New York holidays, or days which the Corporation is not open for business, or days the Corporation's retained or contracted personnel are not conducting business.

Section 5 - Requests for Public Access to Records:

A written request is required. Such requests may be delivered to the Custodian by email to the Corporation's Email Address set forth above, by regular mail or commercial carrier to the Corporation's Mailing Address, or by hand delivery to the Custodian's attention to the Corporation's Office.

Section 6 - Appeals:

The FOIL Appeals Officer shall determine appeals regarding denial of access to records under the Freedom of Information Law.

(a) Any person denied access to records may appeal within thirty (30) days of a denial.

(b) The time for deciding an appeal by the FOIL Appeals Officer shall commence upon receipt of a written appeal. To be considered the submission of an appeal and commence any time periods in this Policy or the Law related to responding to an appeal, the appeal must include:

(1) The date and location of requests for 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.

(c) 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.

(d) If the appealing party has not indicated delivery of a copy of the appeal to the Committee on Open Government, the FOIL Appeals Officer shall transmit to the Committee on Open Government copies 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

(e) The FOIL Appeals Officer shall inform the appellant and the Committee on Open Government of the determination of the appeal in writing within ten (10) business days of receipt of an appeal. The determination of the appeal shall be transmitted to the Committee on Open Government in the same manner as set forth in sub-section (d) of this section.

Section 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 may be provided without charging a fee.

(c) Fees for copies exceeding ten (10) pages may be charged, provided that:

(1) The fee for copying records shall be 25 cents per page for photocopies not exceeding 9 x 14 inches;

(2) The fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction including, if the Corporation is not equipped with sufficient equipment to do such copying, the cost incurred at a commercial copying company.

(3) The Corporation 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 proper redactions are made.

(d) The fee charged for a copy of any other record is based on the actual cost of reproduction and may include only 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; or

(3) The actual cost to the Corporation of engaging an outside professional service to prepare a copy of a record, but only when the Corporation's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.

(e) When the Corporation 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 Corporation shall retrieve or extract such record or data electronically. In such case, the Corporation will charge a fee in accordance with sub-sections (d)(1) and (2) of this section above.

(f) The Corporation shall inform a person requesting a record of the estimated cost of preparing a copy of the records, or if it is necessary to retain an outside professional service to prepare a copy of the records, prior to incurring the expense.

(g) The Corporation may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.

(h) The Corporation may waive a fee in whole or in part when making copies of records available, and such waiver in any instance shall not prejudice or prohibit the Corporation from charging fees in the future to the same requester, in the same matter, or any other requester or with respect to any other matter.

Section 8 - Public Notice:

A notice containing the title or name and business address of the Custodian and FOIL Appeals Officer or body, and the location where records can be seen or copied shall be posted on the Corporation's website.

Section 9 - Severability:

If any provision of this Policy 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 this Policy or the application thereof to other persons and circumstances.

Re-affirmed: January 19, 2022