

# REGULATIONS COVERING PUBLIC ACCESS TO THE RECORDS OF THE ROCHESTER HOUSING AUTHORITY

(in accordance with New York State Department of State: Public Officers Law , Article 6-A, "Freedom of Information Law")

The New York State Legislature has determined that government if the public's business and that the public, individually and collectively and represented by a free press, should have access to the records of government in accordance with the provisions of the "Freedom of Information Act".

The rules contained herein pertain to the availability, location and nature of records maintained by the Rochester Housing Authority, hereinafter referred to as "the Authority" or "RHA", and the procedures for requesting access to them.

## **I. RECORDS SUBJECT TO PUBLIC ACCESS**

- A. In general, all records of the Authority are subject to public inspection and copying, except those records or portions of which:
1. Are specifically exempted from disclosure by state or federal statute.
  2. If disclosed would constitute an unwarranted invasion of personal privacy under the provisions of Subdivision 2 of Section 89 of Article 6 (Freedom of Information Law) or are prohibited from disclosure under Section 96, the Personal Privacy Protection Law.
  3. If disclosed would impair present or imminent contract awards or collective bargaining negotiations.
  4. Are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise, which, if disclosed, would cause substantial injury to the competitive position of the subject enterprise.
  5. Are compiled for law enforcement purposes and which, if disclosed, would:
    - a. Interfere with law enforcement investigations or judicial proceedings;
    - b. Deprive a person of a right to a fair trial or impartial adjudication;
    - c. Identify a confidential source or disclose confidential information relating to a criminal investigation; or
    - d. Reveal criminal investigative techniques or procedures, except routine techniques or procedures.
  6. If disclosed would endanger the life or safety of any person.

7. Are inter-agency or intra-agency materials which are not:
  - a. Statistical or factual tabulations of data;
  - b. Instructions to staff that affect the public;
  - c. Final agency policy or determination;
  - d. External audits, including, but not limited to, audits performed by comptroller and federal government; or
  - e. Are examination questions or answers which are requested prior to the final administration of such question.

8. Are computer access codes.

- B. RHA shall maintain a reasonably detailed current list by subject matter of all records in possession of the agency, whether or not available under Article 6.
- C. RHA shall maintain a record of the final vote of each member in every agency proceeding in which the member votes.
- D. RHA shall maintain a record setting forth the name, public office address, title and salary of every officer and employee of the agency.
- E. RHA may delete identifying details when it makes a record available to prevent an unwarranted invasion of privacy. Such an invasion includes, but is not limited to:
  1. Disclosure of employment, medical or credit history or personal references of applicants of employment;
  2. Disclosure of items involving the medical or personal records of a client or patient in a medical facility;
  3. Sale or release of lists of names and addresses if such lists would be used for commercial or fund-raising purposes;
  4. Disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such information is not relevant to the work of the agency requesting it; or
  5. Disclosure of information of a personal nature reported in confidence to RHA and not relevant to the ordinary work of RHA.

- F. Disclosure shall not be deemed to constitute an unwarranted invasion of personal property when:
1. Identifying details are deleted;
  2. The person to whom a record pertains consents in writing to disclosure; and
  3. Upon presentation of reasonable proof of identity, a person seeks access to records pertaining to himself.
- G. Nothing in Article 6 shall require the disclosure of the home address of an officer or employee, or of a retiree of a public employees' retirement system; nor shall anything in Article 6 require the disclosure of the name or home address of a beneficiary of a public employees' retirement system or of an applicant to public employment; however, nothing in this provision shall limit or abridge the right of an employee organization, certified for any collective negotiating unit of an employer to obtain the name or home address of any officer, employee or retiree of such employer.

## **II. PROCEDURES FOR OBTAINING ACCESS**

- A. The following person is designated as Records Access Officer of the Rochester Housing Authority:

Records Access Officer  
Rochester Housing Authority  
675 West Main Street, Rochester, New York 14611-2388

The Records Access Officer shall have responsibility for receiving requests for access to records, processing requests, and issuing appropriate responses to public requests for records as provided herein, including assisting the requester in identifying requested records, if necessary.

- B. Persons desiring access to any records of RHA shall submit a written request reasonably describing the record sought to the Records Access Officer. A form shall be provided by the RHA for this purpose, although any written request may be acceptable. A request for access to records shall, inasmuch as is possible, specify applicable dates, file designations or any other information that may be helpful in describing the record sought.
- C. A request for access received pursuant to the Freedom of Information Act shall be date-stamped, and entered into the official record of correspondence received by RHA.
- D. Within five (5) business days of receipt of a request, RHA shall either produce the record to the person requesting it, deny the request in writing or furnish a written statement acknowledging receipt of the request and the approximate date when such request will be granted or denied, including, where appropriate, a statement that access to the record will be determined in accordance with Subdivision 5 of Article 6.

E. Any person denied access to a record may within thirty (30) days appeal in writing such denial to the Chief Executive Officer of RHA, who shall within ten (10) business days of receipt of such appeal fully explain in writing the reasons for further denial, or provide access to the record sought. The Chief Executive Officer for RHA is:

Executive Director  
Rochester Housing Authority  
675 West Main Street, Rochester, NY 14611-2388

- F. A person denied access to a record in an appeal determination may bring a proceeding for review of the denial pursuant to Article 78 of the Civil Practice Law and Rules.
- G. Cost of copies provided under this article shall be twenty-five cents (\$.25) per page, for pages not exceeding dimensions of 9" x 14". Charges for oversized copies, other media copies or other fees, shall be determined by RHA. Such charges shall not exceed the actual reproduction cost, excluding fixed costs by RHA. Payment shall be in cash, money order or certified check made payable to "Rochester Housing Authority".
- H. RHA shall upon request and without fee, except copying fees, certify the correctness of copies of records, conduct a search for records requested and certify, in instances where appropriate, that it is not the custodian of a requested record or that such a record cannot be found after diligent search.
- I. Records shall be made available at the Executive & Administrative Offices of RHA, 675 West Main Street, Rochester, New York, during the normal work week Monday through Friday, and during normal hours of operation, 9:00 A.M. to 4:00 P.M., except on holidays.

### **III. PUBLIC NOTICE**

RHA shall post, in a conspicuous location, a notice informing the public of:

- A. The location where records are to be made available for inspection and copying;
- B. The name, title, business address and business telephone number of the designated Records Access Officer; and
- C. The right to appeal by any person denied access to a record and the name and business address of the person to whom an appeal is directed.