

PUBLIC ACCESS TO RECORDS OF MONTGOMERY COUNTY

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Section 1: Purpose and scope:

- (a) These regulations provide information concerning the procedures by which records may be obtained.
- (b) Personnel shall furnish to the public the information and records required by the Freedom of Information Law.

Section 2: Designation of Records Access Officer:

- (a) Montgomery County designates the following person(s) as Records Access Officer:

Montgomery County Clerk
Montgomery County Office Building
PO Box 1500 - 64 Broadway
Fonda, NY 12068-1500

(518) 853-8111

Section 3: Location:

Records shall be available for public inspection and copying at the Department from which the documents were requested.

Section 4: Hours for public inspection:

Requests for public access to records shall be accepted and records produced during all hours which the Department is regularly open for business.

Section 5: Requests for public access to records:

(a) A written request should be submitted to the Record Access Officer.

(b) A response shall be given within five business days of receipt of a request by:

(1) informing 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;

(2) granting or denying access to records in whole or in part;

(3) acknowledging the receipt of a 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.

(c) 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 agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

(d) If Montgomery County determines to grant a request in whole or in part and if circumstances prevent disclosure to the requestor within twenty business days from the date of the acknowledgement of the receipt of the request, Montgomery County shall state in writing, both the reason for the inability to grant the request within twenty business days and a date certain within a reasonable period, depending on the circumstances, when the request will be granted in whole or in part.

(e) Upon payment of, or offer to pay, the fee prescribed therefor, Montgomery County shall provide a copy of such record and to certify to the correctness of such copy of so requested, or

shall certify that it does not have possession of such record or that such record cannot be found after diligent search.

Section 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 determine appeals, who shall be identified by name, title, business address and business phone number.

(b) A person denied access to a record may within thirty days appeal in writing such denial to the person designated to hear appeals, who shall within ten business days of the receipt of such appeal fully explain in writing to the person requesting the record the reasons for further denial, or provide access to the record sought. I

(c) The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:

Montgomery County Executive
20 Park St.
P.O. Box 1500
Fonda, NY 12068

(d) The person or body designated to determine appeals 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

Section 7: Fees:

(1) the fee for copying records shall be 25 cents per page for photocopies not exceeding 9 by 14 inches or the amount allowed under Public Officers Law §87.

(2) the fee for reproduction of any other record shall be the actual cost of reproduction and may include:

(i) 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;

(ii) the actual cost of the storage devices or media provided to the person making the request in complying with such request;

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

(3) Montgomery County shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.

(4) Montgomery County may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.

Section 8: 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.

