

**THE CITY UNIVERSITY OF NEW YORK
PROCEDURES FOR PUBLIC ACCESS TO PUBLIC RECORDS
PURSUANT TO ARTICLE 6 OF THE PUBLIC OFFICERS LAW***

1. Designation of Records Access Officer.
 - (a) Each president shall designate one or more persons as Records Access Officers by name or specific job title and location who shall have the duty of coordinating the response of the colleges to public requests for access in accordance with law and regulations promulgated thereunder.
 - (b) The records access officer shall be responsible for assuring that the college:
 - (1) Maintains an up-to-date subject matter list in accordance with 5(e) herein.
 - (2) Assists the requester in identifying requested records, if necessary.
 - (3) Searches for the identified records to which access is requested.
 - (4) Upon locating the records, takes one of the following actions:
 - (i) Makes records promptly available for inspection; or
 - (ii) Denies access to the records in whole or in part and explains in writing the reasons therefore.
 - (5) Upon request for copies of records:
 - (i) Makes a copy available upon payment or offer to pay a fee of twenty five (25) cents per page; or,

*These procedures are distinct from the procedure for access to student records which are covered by Federal Law and Board of Trustees policy. Nothing in these procedures requires the creation or compilation of records or the production of records which are not public records.

- (ii) Permits the requester to copy those records.
- (6) Upon request, certifies that a copy is a true copy of the records copied.
- (7) Upon failure to locate records, certifies in writing that:
 - (1) The college is not the legal custodian for such records
 - (2) The records of which the college is legal custodian cannot be found.
- (8) If access is denied in whole or part advises the requester of the right to appeal to the General Counsel and Vice Chancellor for Legal Affairs by use of the prescribed appeal form.

2. Location.

Each college shall designate the locations where access to records may be requested.

3. Hours for Public Inspection.

Each college shall establish a written procedure by which a person may arrange an appointment to inspect and copy records. Such procedures shall include the name, position, address and phone number of the party to be contacted for the purpose of making an appointment.

4. Requests for Public Access to Records.

- (a) Requests (i) may be oral or in writing, (ii) shall contain a description of the records sufficiently detailed to permit identification.
- (b) If the request is made in person and is not complied with when made, or is made by mail, the requester shall supply a stamped self-addressed envelope. Postage for voluminous material must be paid by the requester, plus handling charges.
- (c) Requests for access to records which have customarily been granted without written request shall continue to be so granted.
- (d) The duly designated college official shall respond to a request for access to records within five working days after receipt of the request, provided that if more than five working days is required to produce records, the receipt of the request shall be acknowledged within five working days after the request is received, such acknowledgment to include a brief explanation of the reason for delay and an estimate of the date on which production or denial will be forthcoming.
- (e) (1) Each college shall maintain and make available for public inspection and copying a current list, by subject matter, of all records produced, filed, or first kept or promulgated after September 1, 1974. The list shall be sufficiently detailed to permit the requester to identify the file category of the record sought.
(2) The subject matter list shall be updated periodically and the date of the most recent updating shall appear

on the first page. The subject matter list shall be updated not less than semiannually.

- (f) No records may be removed by the requester from the office where the record is located without the permission of the college.

5. Denial of Access to Records. Appeals.

1. Denial of access shall be in writing stating the reason therefore and advising the requester of his right to appeal.
2. If the college fails to provide requested records within five working days after the receipt of the request or by the estimated date on which production or denial was to be forthcoming as provided in subdivision (d) of paragraph 5 hereof, such failure shall be deemed a denial of access by the college.
3. Appeals from a denial of written requests for access may be taken to the General Counsel and Vice Chancellor for Legal Affairs, 535 East 80th Street, New York, NY 10021, within thirty working days of the mailing by the college or a written denial in whole or in part of access, or after the estimated date of production if access is not granted within such time.
4. The appeal shall be taken by use of the form annexed to these procedures.
5. The General Counsel and Vice Chancellor for Legal Affairs shall inform the requester of the decision in writing within ten working days of receipt of an appeal.
6. A final denial of access to a requested record shall be subject to court review as provided for in article 78 of the Civil Practice Laws and Rules.

6. Fees.

There shall be no fee charged for the following:

1. Inspection of records.
2. Search for records.
3. Any certification.

7. Public Notice.

Each college shall publicize by posting in a conspicuous location wherever records are kept or by publication in a local newspaper of general circulation:

1. The location where public records shall be made available for inspection and copying.

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2. The name, title, business address and business telephone number of the designated Records Access Officer.
3. The right to appeal by any requester denied access to a record for whatever reason and the location where the appeal form can be obtained.

8. The Senior Vice Chancellor and Chief Operating Officer shall implement these regulations for the Central Office in the same manner as is provided herein for the Presidents with respect to the Colleges.

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