

PROCEDURES FOR PUBLIC ACCESS TO RECORDS
OF THE CITY UNIVERSITY OF NEW YORK
UNDER THE FREEDOM OF INFORMATION LAW

1. Designation of Records Access Officer.
 - (a) Each college and unit of The City University of New York (referred to herein as a “college”) 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 college to public requests for access in accordance with the Freedom of Information Law (“FOIL”), Public Officers Law §§ 84 et seq.
 - (b) The Records Access Officer shall be responsible for assuring that the college:
 - (1) Maintains a reasonably detailed current list, by subject matter, of all records in the possession of the college or unit;
 - (2) Assists persons seeking records to identify the records sought, if necessary.
 - (3) Upon locating the records, takes one of the following actions:
 - (i) Makes records available for inspection, or
 - (ii) Denies access to the records in whole or in part and explains in writing the reasons therefore.
 - (4) Upon request for copies of records that are being made available:
 - (i) Provides copies of the records on the medium requested, if the college can reasonably make such copy or have such copy made by engaging an outside professional service, provided that the requester pays or agrees to pay established fees, if any, in accordance with Section 5 of these Procedures, or,
 - (ii) Permits the requester to copy those records.
 - (5) Upon request, certifies that a record is a true copy.
 - (6) Upon failure to locate records, certifies in writing that:
 - (i) the college is not the custodian for such records, or that
 - (ii) the records cannot be found after diligent search.

2. Procedure for Public Inspection.

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

3. Requests for Public Access to Records.

(a) The college may accept requests for records orally, but may also require requests for records to be in writing. Colleges are required to accept requests for records by electronic mail and to respond to such requests by electronic mail unless the request seeks a response in some other form.

(b) The Records Access Officer shall respond to a request within five business days of receipt by:

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

(2) 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 and shall not be more than twenty business days after the date of the acknowledgment. If it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, the Records Access Officer shall provide a statement in writing indicating the reason for the college's 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

(3) 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 acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do so 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.

(c) In determining a reasonable time for granting or denying a request under the circumstances of a request, the Records Access Officer 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 college and similar factors that bear on the ability to grant access to records promptly and within a reasonable time frame.

- (d) A failure to comply with the time limitations set forth in Section 3(b) above constitutes a denial of a request that may be appealed.
4. Denial of access to records.
- (a) Denial of access to records shall be in writing stating the reason therefore and advising the requester of the right to appeal to the General Counsel and Vice Chancellor for Legal Affairs, 535 East 80th Street, New York, New York 10075.
 - (b) If a college fails to comply with the time limitations set forth in Section 3 of these Procedures, such failure shall also be deemed a denial of access effective on the date of non-compliance.
 - (c) Any person denied access to records may appeal within thirty days of the date the college denies the request.
 - (d) The General Counsel and Vice Chancellor for Legal Affairs shall inform the requester of its decision on the appeal, in writing, within 10 business days after of the receipt of an appeal.
 - (e) A failure to determine an appeal within ten 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 General Counsel and Vice Chancellor for Legal Affairs shall transmit to the Committee on Open Government copies of all appeals upon receipt of those appeals, and shall send the Committee on Open Government copies of all its decisions at the same time that those decisions are sent to the appellant.
5. Fees.
- (a) There shall be no fee charged for (1) inspection of records; (2) search for records or administrative costs; or (3) any certification pursuant to this part.
 - (b) Fees for photocopies may be charged, which shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches.
 - (c) The actual cost for copying other records, such as electronic records, may be charged, which may include only:
 - (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, except that no fee shall be charged unless at least two hours of a college employee's time is needed to prepare the copy;

- (ii) the actual cost of the storage devices or media (such as a computer disk) provided to the person making the request;
 - (iii) if the college's information technology equipment is inadequate to prepare a copy of the record, or if the college for some other reason is unable to prepare a copy of the record itself, the actual cost to the college of engaging an outside professional service to prepare a copy.
- (d) If, as is set forth in (c) above, more than two hours of an employee's time is needed to prepare a copy of a record or the college is using an outside professional service, the requester must be informed of the fee in advance.
 - (e) The foregoing provisions regarding fees do not apply when a different fee is otherwise prescribed by statute.

6. Public Notice.

Each college must posts information on its website concerning how college records can be accessed under FOIL, including, at a minimum (a) the name of the Records Access Officer to whom requests shall be directed; (b) the times and places, if any, that public records are available for inspection and copying; (c) information on how to request records in person, by mail, or by e-mail; and (d) a link to the website of the committee on open government.