

ROCHESTER GENESEE REGIONAL TRANSPORTATION AUTHORITY
FREEDOM OF INFORMATION LAW POLICY

SECTION I. GENERAL POLICY

Rochester Genesee Regional Transportation Authority will, in accordance with its published rules and applicable laws and regulations, make available for public inspection all of its records and shall provide copies of requested records except to the extent that disclosure of a record is not required based on an Exclusion set forth below. No RGRTA employee, except in accordance with this policy, shall disclose any Authority record or any summary of the information in an Authority record to anyone other than an Authority employee, a member of the Authority's Board of Commissioners, or a consultant under contract to the Authority.

SECTION II. RECORDS ACCESS OFFICER

A. One or more persons shall be designated by the Board of Commissioners of Rochester Genesee Regional Transportation Authority ("RGRTA") as the Records Access Officer(s). The designation shall be either by name or by specific job title and business address. The Records Access Officer(s) shall be responsible for coordinating all responses to public requests for access to records of RGRTA and/or each of its public benefit subsidiary corporations (collectively with RGRTA, the "Authority").

B. The Records Access Officer shall be responsible for doing the following, all within the time periods required by applicable law and regulation.

1. Maintain an up-to-date subject matter list.
2. Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.
3. Contact persons seeking records when a request is voluminous or when locating the records sought involves substantial effort, so that Authority personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of the records requested.
4. Upon locating the records, take one of the following actions:
 - a. make records promptly available for inspection; or
 - b. deny access to the records in whole or in part and explain in writing the reasons therefor.
5. Upon request for copies of records, make a copy available upon payment or offer to pay established fees. The person making the request for copies shall not be permitted to make copies himself/herself or to remove the records from the premises of the Authority.

- a. permit the requester to copy those records.
6. Upon request, certify that a record is a true copy.
7. Upon failure to locate records, certify that:
 - a. the Authority is not the custodian for such records; or
 - b. the records of which the Authority is a custodian cannot be found after diligent search.

SECTION III. REQUESTS FOR RECORDS AND RESPONSES

A. Written Requests Only.

1. Requests for records shall only be effective and honored if they are made in writing.

2. Provided that the Authority has reasonable means available to do so, the Authority shall accept written requests for records submitted in the form of electronic mail and shall respond to such requests by electronic mail, using forms, to the extent practicable, consistent with the form or forms developed by the New York Committee on Open Government unless the written request seeks a response in some other form.

B. Responses to Requests.

1. The Authority shall respond to a request for records within five business days of the receipt of the request by:

a. informing the 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;

b. granting or denying access to records in whole or in part;

c. 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, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing stating 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; or

d. 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 stating 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.

e. Denial of access to a record shall be in writing stating the reason therefor and advising the person denied access of his or her right to appeal to the person or body designated to determine appeals, and that person or body shall be identified by name, title, business address and business telephone number. The Records Access Officer shall not be the appeals officer.

2. In determining a reasonable time for granting or denying a request under the circumstances of a request, the Authority 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 Authority, and similar factors that bear on an Authority's ability to grant access to records promptly and within a reasonable time.

SECTION IV. APPEALS

A. Any person denied access to records may appeal within 30 days of a denial.

B. The Board of Commissioners shall designate a person to hear appeals regarding denial of access to records.

C. The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:

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 appellant.

D. The Authority shall transmit to the Committee on Open Government copies of all appeals upon receipt of an appeal. Such copies shall be addressed to: the Committee on Open Government, Department of State, 41 State Street, Albany, N.Y. 12231.

E. The person or body designated to hear appeals shall inform the appellant and the Committee on Open Government of its determination in writing within 10 business days of receipt of an appeal.

SECTION V. FEES

There shall be no fee charged for the inspection of records, search for records or certification of records. However, the Authority shall charge a fee for copies of records. The fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches. If a

record exceeds 9 by 14 inches, the fee for copies may not exceed the actual reproduction cost, excluding the fixed cost of the Authority, such as clerical salaries.

SECTION VI. OTHER PROVISIONS

A. Specific Records to Be Maintained

The Authority shall maintain the following in addition to any other documents and records maintained in the ordinary course of the Authority's business:

1. A reasonably current general list by subject matter of all records in its possession. Such subject matter list will not indicate whether such records are subject to disclosure. The list will be updated at least twice each year, and the date of the most recent update will appear on the first page of the subject matter list. The subject matter list must be sufficiently detailed so as to permit identification of the category of the record sought.

2. A record of the final vote of each member in every Authority proceeding in which the member votes;

3. A record setting forth the name, public office address, title and salary of every officer or employee of the Authority

B. Location and Hours of Public Inspection. Public inspection of records shall be permitted only at the main office of the Authority during the Authority's regular business hours. The Records Access Officer has the right and obligation to arrange times for review that are convenient for the Authority during normal business hours after considering primary work responsibilities provided he/she complies with all applicable laws and regulations.

C. Public Notice. The Authority will publicize, by posting in a conspicuous location, the location where records are available for inspection and copying, the name, title, business address and business telephone number of the Records Access Officer, the right to appeal by any person denied access to a record, and the name and business address of the person or body to whom an appeal should be directed.

SECTION II. EXCLUSIONS

A. The Authority shall deny access to records, or portions thereof, that:

1. are specifically exempted from disclosure by state or federal statute;
2. if disclosed, would result in an unwarranted invasion of personal privacy;
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 and

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 relative to a criminal investigation; or
 - d. reveal criminal investigation techniques or procedures, except routine techniques and procedures;
6. if disclosed, could endanger the life or safety of any person;
7. are inter-agency or intra-agency materials which are not:
 - a. statistical or factual tabulations or data;
 - b. instructions to staff that affect the public;
 - c. final agency policy or determinations; or
 - d. external audits, including but not limited to audits performed by the comptroller and the federal government;
8. are examination questions or answers that are requested prior to the final administration of such questions;
9. if disclosed, would jeopardize an agency's capacity to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures; or
10. are photographs, microphotographs, videotape or other recorded images prepared under the authority of section eleven hundred eleven-a of the vehicle and traffic law.

B. In no event shall the Authority disclose the home address of an officer or employee, former officer or employee, or of a retiree of a public employees' retirement system; the name or home address of a beneficiary of a public employees' retirement system or of an applicant for appointment to public employment; provided however, that nothing in this section shall limit or abridge the right of an employee organization, certified or recognized for any collective negotiating unit of the Authority pursuant to article fourteen of the New York Civil Service Law, to obtain the name or home address of any officer, employee or retiree of the Authority, if such name or home address is otherwise available under this Policy.

C. The Authority shall only produce records in the form that they are maintained by the Authority. The Authority shall not create any record not possessed or maintained by the Authority.

D. A person acting pursuant to law or regulation who submits any information to the Authority may, at the time of submission, request that the Authority except such information from disclosure pursuant to the following procedures.

1. The request for an exception must be in writing, must identify with precision the documents or portions of documents submitted to the Authority for which the exception is requested, and must state the reasons why the information should be excepted from disclosure under one of the above Exceptions. Where the request itself contains information which if disclosed would defeat the purpose for which the exception is sought, such information shall also be excepted from disclosure.

2. Information for which such a request for an exception from disclosure is received shall be excepted from disclosure and be maintained apart by the Authority from all other records until fifteen days after the entitlement to the exception has been finally determined or such further time as ordered by a court of competent jurisdiction. The Records Access Officer shall designate the person within the Authority to whose custody such excepted information will be delivered and who will be responsible for maintaining confidentiality of such information in accordance with these procedures. Such information shall appear only in records maintained by such responsible person and copies of such information shall not be distributed to others in the organization.

3. On its own initiative, or upon the request of any person for a record excepted from disclosure pursuant to this Section D, the Authority shall:

a. inform the person who requested the exception of the Authority's intention to determine whether such exception should be granted or continued;

b. permit the person who requested the exception, within ten business days of receipt of notification from the Authority, to submit a written statement of the necessity for the granting or continuation of such exception;

c. within seven business days of receipt of such written statement, or within seven business days of the expiration of the period prescribed for submission of such statement, issue a written determination granting, continuing or terminating the exception and stating the reasons therefor; and copies of the Authority's determination shall be served upon the person, if any, requesting the record, the person who requested the exception, and the Committee on Open Government.

4. A denial of an exception from disclosure may be appealed by the person submitting the information and a denial of access to the record may be appealed by the person requesting the record in accordance with the following procedure.

a. Within seven business days of receipt of written notice denying the request, the person may file a written appeal from the determination of the Authority with the Chief Executive Officer of the Authority.

b. The appeal shall be determined within ten business days of the receipt of the appeal. Written notice of the determination shall be served upon the person, if any,

requesting the record, the person who requested the exception and the Committee on Open Government. The notice shall contain a statement of the reasons for the determination.

Subject Matter List of Records Maintained

Accidents

Board of Commissioner Meeting Minutes

Collective Bargaining Agreements

Contracts

Customer Service

Facility Maintenance

Financial

Grants

Legal

Marketing Initiatives

Operations

Personnel

Planning

Procurements

Public Hearing Minutes

Purchases

Safety

Schedules

Training

Vehicle Maintenance