

Rules and Regulations
Relating to the

Public
Inspection
and
Copying of
Legislative
Records



New York State Senate

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§ 1. PURPOSE

These Rules and Regulations relating to the public inspection and/or copying of certain legislative records have been adopted by the Temporary President of the Senate pursuant to Article 6 of the Public Officers Law, known as the Freedom of Information Law, and Rule XV of the Rules of the Senate.

§ 2. RECORDS AVAILABLE

The following legislative records in the custody of the Senate are available for public inspection and/or copying at the times and places and from the records access officer, upon compliance with the procedures prescribed herein and the payment of the specified fees, if any:

PURSUANT TO SECTION 88 OF THE PUBLIC OFFICERS LAW

- ◆ bills and amendments thereto, fiscal notes, introducers' bill memoranda, resolutions and amendments thereto, and index records;
- ◆ messages received from the Governor or the Assembly, and home rule messages;
- ◆ legislative notification of the proposed adoption of rules by an agency;
- ◆ transcripts or minutes, if prepared, and journal records of public sessions including meetings of committees and subcommittees and public hearings, with the records of attendance of members thereat and records of any votes taken;

- ◆ internal or external audits and statistical or factual tabulations of, or with respect to, material otherwise available for public inspection and copying pursuant to Section 88 of the Public Officers Law or any other applicable provision of law;
- ◆ administrative staff manuals and instructions to staff that affect members of the public;
- ◆ final reports and formal opinions submitted to the Legislature;
- ◆ final reports or recommendations and minority or dissenting reports and opinions of members of committees, subcommittees or commissions of the Legislature;
- ◆ external audits conducted pursuant to Section 92 of the Legislative Law and schedules issued pursuant to Subdivision 2 of Section 90 of such law;
- ◆ any other files, records, papers or documents required by law to be made available for public inspection and copying;
- ◆ a record of the votes of each Senator in every session and every committee and subcommittee meeting in which the Senator votes;
- ◆ a record setting forth the name, public office address, title and salary of every officer or employee of the Senate;
- ◆ a current list, by subject matter, of the records required to be made available for public inspection and copying pursuant to Section 88 of the Public Officers Law.

§3. RECORDS ACCESS OFFICER

The records access officer for the Senate shall be the Secretary of the Senate, Room 321, Capitol Building, Albany. The particular records for which the records access officer is responsible are set forth in Section two.

§4. INSPECTION

Available records may be inspected at such time or times between 9 a.m. and 5 p.m. daily (except weekends and holidays) as may be designated by the records access officer so as not to interfere with the conduct of the Senate's business. The records access officer may fix reasonable limits on the number of documents to be made available at any one time and/or the length of time for an applicant's inspection of any particular record so as not to interfere with the conduct of the Senate's business. Inspection shall be permitted only in such rooms or areas that may be designated by the records access officer so as not to interfere with the conduct of the Senate's business. Whenever a record being inspected is required for the conduct of the Senate's business, it shall be returned immediately to the records access officer, upon demand; further inspection, if requested, shall be rescheduled. Persons to whom records are made available for inspection shall not mutilate them or make marks of any kind upon them and shall return all such records to the records access officer in the same condition and order as received promptly upon completion of inspection.

A person's failure to comply with these requirements, or with any other provisions of these Rules and Regulations, shall constitute grounds for denying him/her inspection of Senate records in the future.

§5. FEES

INSPECTION

There is no charge for the inspection of records.

COPIES

There is no charge for single copies of bills and amendments. Upon application to the Secretary of the Senate and good cause shown, the Secretary of the Senate may provide additional copies of bills and amendments to an individual or group, without charge. There is a fee of 25 cents per page for all other records (and extra copies of bills and amendments). When an application is made for a copy of any available record for which a fee is imposed, the records access officer shall notify the applicant of the amount of such fee. Any such fee shall be paid in advance before the copy is furnished. The Secretary of the Senate may waive the fees for copies of the records provided to representatives of news media, subject to such reasonable limitations on the number of records and/or number of copies as the Secretary of the Senate may determine.

§6. REQUEST A RECORD

A request to inspect a record of the Senate or for a copy of a record shall be made in writing and shall be directed to the records access officer. Such request shall describe the requested record in sufficient detail to clearly identify it.

§7. RESPONSE TO REQUEST

Within five business days after the records access officer receives a written request to inspect a record or for a copy thereof, such officer shall:

- ◆ grant the request and notify the person making it when and where the record may be inspected or, if a copy of a record is requested, furnish such copy upon payment of any specified fee; if the prompt furnishing of a copy is not feasible because of the voluminous nature or any other reason, the records access officer shall advise the person making the request of the approximate date when such copy will be furnished;
- ◆ deny the request in writing, giving the reasons for such denial, informing the person making the request of the right of appeal from such denial and enclosing or attaching a copy of these Rules and Regulations describing the procedure to be followed;
- ◆ if the request does not clearly identify the requested record, notify the person making the request to furnish additional information;

- ◆ certify that the records access officer does not have possession of the requested record;
- ◆ certify that the requested record cannot be found after diligent search; or
- ◆ acknowledge receipt of the request in writing and state the approximate date when such request will be granted or denied.

§8. RECORDS COVERED

Nothing in these Rules and Regulations shall be construed to require the Senate or any of its committees, subcommittees, members, officers or employees to prepare or compile any record not possessed or maintained by them or otherwise required by law, by the Rules of the Senate or by these Rules and Regulations.

§9. APPEALS

The Counsel to the Republican Conference of the Senate is hereby designated as the person to whom the records access officer's denial or access to a record may be appealed.

- ◆ A person denied access to a record may, within thirty days after such denial, appeal such denial to the Counsel to the Republican Conference. Such appeal shall be in writing and shall have attached to it a copy of the request, a copy of the denial and a copy of all other communications between the parties relating to the request. The appeal shall separately

state each ground upon which it is claimed the denial was erroneous, together with any other material the person making the appeal may wish to submit in support of the appeal. At the same time such person shall also send a complete copy of all such papers to the records access officer who denied access to the record. Such officer may submit to the Counsel to the Republican Conference such written material as the officer may deem advisable in support of the denial and shall at the same time send a complete copy of all such papers to the person taking the appeal. At any time prior to the determination of the appeal either party may submit any additional material to the Counsel to the Republican Conference, with a copy thereof to the other party.

- ◆ Within twenty business days after receipt of an appeal the Counsel to the Republican Conference shall render a written decision on such appeal directing that access be given to the requested record or confirming the denial of access and fully explaining the reasons therefor. A copy of such determination shall be sent to the person taking the appeal and the records access officer.



March 2013