

TOWN OF CLARENCE, ERIE COUNTY, INDUSTRIAL DEVELOPMENT AGENCY

ACCESS TO AGENCY RECORDS POLICY

(Adopted May 20, 2021)

SECTION 1. PURPOSE AND SCOPE. Article 6 of the Public Officers Law (the "Freedom of Information Law") contains various provisions providing that, with certain exceptions, records maintained by state and local governmental entities are available for public inspection. The purpose of this Policy is to set forth procedures to implement the Freedom of Information Law as it applies to records maintained by the Town of Clarence, Erie County, Industrial Development Agency (the "Agency").

SECTION 2. DEFINITIONS. All words and terms used herein and defined in the Freedom of Information Law shall have the meanings assigned to them in the Act, unless otherwise defined herein or unless the context or use indicates another meaning or intent. The following words and terms used herein shall have the respective meanings set forth below, unless the context or use indicates another meaning or intent: "Privacy Law" shall mean the personal privacy protection act, being Article 6-A of the Public Officers Law.

SECTION 3. GENERAL RULE.

(A) Maintenance of Records. The Agency shall maintain:

- (1) a record of the final vote of each member in every Agency proceeding;
- (2) a record setting forth the name, public office address, title and salary of every officer or employee of the Agency;
- (3) a current list, by subject matter, of all records in the possession of the Agency, sufficiently detailed to permit identification of the category of the record sought, whether or not available pursuant to the Freedom of Information Law. This list shall be updated not less than twice per year.

(B) Access to Records. The Agency shall, in accordance with this Policy and the regulations of the Committee on Public Access to Records (21 NYCRR Part 1401), furnish to the public the records required by the Freedom of Information Law.

(C) No Requirement to Prepare Records. Except as otherwise provided in subsection (A) of this section, nothing in this Policy shall be construed to require the Agency to prepare any record not possessed or maintained by the Agency.

(D) Application to Computer Records. The term "record" is defined to include all information kept, held, filed, produced or reproduced by, with or for the Agency, in any physical form whatsoever. Therefore, the Freedom of Information Law clearly applies to government records generated, received, or maintained electronically.

SECTION 4. RECORDS ACCESS OFFICER.

(A) Designation of Records Access Officer. The Chief Executive Officer of the Agency, or in the absence of such officer, the Secretary of the Agency shall be the records access officer of the Agency. The business address of the records access officer of the Agency is c/o the offices of the Agency located at One Town Place, Clarence, New York 14031.

SECTION 5. DESTRUCTION OF DOCUMENTS.

No Officer, Director, Employee(s), Agent or Volunteer of the Agency shall knowingly destroy a document with the intent to obstruct or influence the investigation or proper administration of any matter within the jurisdiction of any government department or agency or in relation to or contemplation of any such matter or case.