

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK

TITLE 19. DEPARTMENT OF STATE

CHAPTER XX JOINT COMMISSION OF PUBLIC ETHICS

PART 937

ACCESS TO PUBLICLY AVAILABLE RECORDS

§ 937.1 Scope and purpose

These regulations provide information concerning the procedures by which [the publicly available record set forth in section 94 (17) (a) of the Executive Law may be obtained from the New York State Commission on Public Integrity ("Commission") These records include:] records of the Joint Commission on Public Ethics ("Commission") shall be available for public inspection and copying. Pursuant to Executive Law section 94(19)(a) the only records of the Commission which shall be available for public inspection and copying are set forth below:

(a) The information set forth in an annual statement of financial disclosure filed pursuant to section 73-a of the Public Officers Law except the categories of value or amount, which shall remain confidential, and any other item of information deleted pursuant to Section 94(9)(h) [and (m)] of the Executive Law (Effective until January 1, 2013);

(b) The information set forth in an annual statement of financial disclosure filed pursuant to section 73-a of the Public Officers Law except information deleted pursuant Section 94 (9)(h) of the Executive Law (Effective January 1, 2013);

[(b)c] Notices of Delinquency sent pursuant to section 94(1[1]2) of the Executive Law;

[(c) Notices of Reasonable Cause sent pursuant to section 94(12)(b) of the Executive Law;]

(d) Notices of Civil Assessments imposed pursuant to section 94(1[3]4) of the Executive Law that shall include a description of the nature of the alleged wrongdoing, the procedural history of the complaint, the findings and determinations made by the Commission, and any sanction imposed;

(e) The terms of any Settlement Agreement or compromise of a complaint or referral that includes a fine, penalty or other remedy; [and]

(f) Those records required to be held or maintained publicly available pursuant to article one-A of the Legislative Law[.];and

(g) Substantial basis investigation reports issued by the Commission pursuant to section 94 (14-a) and (14-b) of the Executive Law. With respect to reports concerning members of the Legislature or legislative employees or candidates for member of the Legislature, the Commission shall not publicly disclose or otherwise disseminate such reports except in conformance with the requirements of section 80(9)(b) of the Legislative Law.

§ 937.2 Designation of records access officer.

(a) The Commission designates its Public Information Officer to act as the Records Access Officer.

(b) The Records Access Officer is responsible for ensuring compliance with the regulations herein.

(c) The Records Access Officer is responsible for ensuring that Commission staff perform the following actions:

(1) assist the requester in identifying the record sought, if necessary;

(2) upon locating the requested record:

(i) make the record [promptly] available for inspection in accordance with Subparts 937.3 and 937.4 herein; or

(ii) make copies free of charge unless the request is for more than 40 pages, in which case the Commission shall charge \$ 0.25 per copy or the cost of electronic reproduction.

[(iii) upon request, certify that a record is a true copy or reproduction.]

§ 937.3 Requests for access to publicly available records

(a) A request for access to records shall be in writing or on a form approved by the Commission.

(b) A request shall reasonably describe the record sought. To the extent possible, a requesting person should supply identifying details such as the name of the person, entity or title associated with the record sought and dates or filing period.

(c) A response to a request that reasonably describes the record sought shall be made within five business days of receipt of the request by:

(1) granting access to the record; or

(2) acknowledging the receipt of the request in writing, including an approximate date when the request will be granted, which shall be reasonable under the circumstances and shall not be more than twenty business days after the date of the acknowledgement, or providing a statement in writing indicating the reason for the 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; or

(3) if receipt of the request was acknowledged in writing and included an approximate date when the request would be granted within twenty business days of such acknowledgement, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgement 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.

§ 937.4 Location of records for inspection

(a) [Upon arranging an appointment with the] Once granted, access to records will be arranged by the Records Access Officer, and the records [set forth in Subpart 937.1 shall be available for public inspection at the Commission's office.] will be made available in a convenient and appropriate manner.

(b) [Such] A[a]ppointments for public inspection of records at the Commission's office shall be arranged on days that the Commission is regularly open for business and during the hours of 9a.m.- 4:30p.m.

§ 937.5 Deletion of certain items of information from financial disclosure statements.

(a) Prior to making any financial disclosure statement publicly available, the Records Access Officer shall delete [the categories of value or amount and] any other item of information that the Commission has determined to delete pursuant to section 94(9)(h) [and (m)] of the Executive Law[.], and for filings prior to January 1, 2013, the categories of value and amount.

(b) In accordance with the rules set forth in 19 NYCRR 941.[19]17(b)(1), pending any application for deletion to the executive director or notice of appeal filed with the members of the Commission, all information which is the subject or a part of the application or appeal shall remain confidential. Upon an adverse determination on appeal by the members of the Commission, the reporting individual may request, within five calendar days of receipt of an adverse determination, and upon such request the Commission shall provide, that any information which is the subject or part of the application remain confidential for a period of thirty days following notice of such determination. In the event that the reporting individual resigns from office prior to the issuance of a determination and holds no other office subject to the jurisdiction of the Commission, the information shall not be made public and shall be expunged in its entirety.

937.6 Records access appeals

(a) The General Counsel, or Deputy General Counsel in the General Counsel's stead, shall act as the Records Access Appeals Officer.

(b) Any person denied access in whole or in part to a record or records requested may within thirty days appeal in writing such denial to the Records Access Appeals Officer who shall within ten business days of the receipt of such appeal fully explain in writing to the person requesting the record the reasons for further denial, or provide access to the record sought. This shall constitute the final determination of the Commission.