

CHAPTER XVI  
Hudson River Park Trust  
*PART 750*  
REGULATIONS OF PUBLIC ACCESS TO RECORDS OF THE HUDSON RIVER PARK  
TRUST

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750.1 Purpose and Scope

- (a) The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy of confidentiality.
- (b) These regulations provide information concerning the procedures by which records may be obtained from the Hudson River Park Trust. The Hudson River Park Trust is a body corporate and politic, constituting a public benefit corporation. The rights, powers and responsibilities of the Trust are set forth in the Hudson River Park Act, Chapter 592 of the Laws of 1998 of the State of New York.
- (c) Personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.
- (d) Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

750.2 Designation of Records Access Officer

- (a) The Hudson River Park Trust is responsible for insuring compliance with the regulations herein, and designates the following person(s) as records access officer(s):

Title	Bus. Address	Phone #
Counsel HRPT	Hudson River Park Trust Pier 40, 2nd Floor West Street at West Houston Street New York, NY 10014	(212) 627-2020

- (b) Records access officers are responsible for insuring appropriate agency response to public requests for access to records of the Hudson River Park Trust. The designation of records access officers shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.

Records access officers shall insure that personnel:

- (1) Maintain an up-to-date subject matter list;
- (2) Assist the requester in identifying requested records, if necessary;
- (3) Upon locating the records, take one of the following actions:
  - (i) Make records available for inspection; or
  - (ii) Deny access to the records in whole or in part and explain in writing the reasons therefore;
- (4) Upon request for copies of records:
  - (i) Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8; or
  - (ii) Permit the requester to copy those records;
- (5) Upon request, certify that a record is a true copy; and
- (6) Upon failure to locate records, certify that:
  - (i) The Hudson River Park Trust is not the custodian for such records; or
  - (ii) The records of which the Hudson River Park Trust is a custodian cannot be found after diligent search.

### 750.3 Location

Records shall be available for public inspection and copying at:  
 Hudson River Park Trust  
 Pier 40, 2nd Floor  
 West Street at West Houston Street  
 New York, NY 10014

Requests can be mailed to:  
Hudson River Park Trust  
Pier 40, 2<sup>nd</sup> Floor  
West Street at West Houston Street  
New York, NY 10014

#### 750.4 Hours for Public Inspection

Request for public access to records shall be accepted and records produced during all hours regularly open for business.

These hours are: Monday-Friday 9am-5pm

#### 750.5 Requests for Public Access to Records

- (a) Records requests shall be in writing.
- (b) A request shall reasonably describe the record or records sought. Whenever possible, a person requesting records should supply information regarding dates, file designations or other information that may help to describe the records sought.
- (c) A response shall be given within five business days of receipt of request by:
  - (1) informing a 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;
  - (2) granting or denying access to records in whole or in part;
  - (3) 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 indicating 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
  - (4) 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.

- (d) In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel 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 agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.
- (e) A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:
  - (1) fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;
  - (2) acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;
  - (3) furnishes an acknowledgment of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;
  - (4) fails to respond to a request within a reasonable time after the approximate date given or within twenty business days after the date of the acknowledgment of the receipt of a request;
  - (5) determines to grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request, but fails to do so, unless the agency provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;
  - (6) does not grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or
  - (7) responds to a request, stating that more than twenty business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

750.6 Subject Matter List

- (a) The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to subdivision two of Section Eighty- Seven of the Public Officers Law.
- (b) The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
- (c) The subject matter list shall be updated not less than twice per year. The most recent update shall appear on the first page of the subject matter list.

750.7 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 individual or body established to determine appeals.
- (b) If requested records are not provided promptly, as required in Section 5(d) of these regulations, such failure shall also be deemed a denial of access.
- (c) The following person shall determine appeals regarding denial of access to records under the Freedom of Information Law:

Title	Bus. Address	Phone #
Executive Vice President	Hudson River Park Trust Pier 40, 2 <sup>nd</sup> Floor West Street at West Houston Street New York, NY 10014	(212) 627-2020

- (d) The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:
  - i. The date of the appeal;
  - ii. The date and location of the requests for records;
  - iii. The records to which the requester was denied access;
  - iv. Whether the denial of access was in writing or due to failure to provide records promptly as required by Section 5 (d); and
  - v. The name and return address of the requester.

- (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.
- (f) The individual or body designated to determine appeals shall inform the requester of a decision in writing within ten business days of receipt of an appeal.
- (g) The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government Department of State  
41 State Street  
Albany, NY 12231

- (h) The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth subdivision (g) of this section.

#### 750.8 Fees

- (a) There shall be no fee charged for:
  - (1) Inspection of records;
  - (2) Search for records; or
  - (3) Any certification pursuant to this part.

- (b) Fees for Photocopies.

The fee for photocopies not exceeding 9 by 14 inches is up to 25 cents per page.

- (c) Fees for Copies of Records- other than photocopies which are 9 by 14 inches or less in size.

The fee for copies of records other than photocopies which are 9 by 14 inches or less in size shall be the actual copying cost excluding fixed agency costs.

#### 750.9 Public Notice

A notice containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen or copies shall be posted

in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

#### 750.10 Severability

If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.