

RULE VIII

PUBLIC ACCESS TO RECORDS

Section 1. Intent. It is the intent of the Assembly that central administrative records maintained by the Assembly be governed by the same presumption of disclosure which governs access to executive agency records, with similar enumerated exceptions.

§ 2. Disclosure policy. a. In addition to any records required to be made available pursuant to the provisions of section eighty-eight of the public officers law and the rules and regulations promulgated thereunder, all other existing records maintained by the Assembly shall be available for public inspection and copying, except that the Assembly may deny access to records or portions thereof that:

(1) are specifically exempted from disclosure by state or federal statute or a Rule of the Assembly, or Permanent Joint Rule of the Senate and Assembly;

(2) if disclosed would constitute an unwarranted invasion of personal privacy as defined in subdivisions two and two-a of section eighty-nine or section ninety-six of the public officers law, including, but not limited to:

(a) the medical, financial, credit or employment history of a particular person or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of such person; or

(b) names, addresses, numbers or other personal identifying details of telephone communications or mail correspondence made by or to Members of the Assembly or employees thereof;

(3) if disclosed would impair present or imminent contract awards or collective bargaining negotiations;

(4) if disclosed would impair negotiations relating to pending or proposed legislation;

(5) are trade secrets or proprietary information which, if disclosed, would cause substantial harm to the subject enterprise;

(6) are compiled for legislative purposes and which, if disclosed, would:

(a) interfere with legislative investigations, 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 information relating to a legislative or criminal investigation; or

(d) reveal criminal or legislative investigative techniques or procedures, except routine techniques and procedures;

(7) if disclosed would endanger the life or safety of any person;

(8) are inter-agency or intra-agency materials which are not:

(a) statistical or factual tabulations of data of or with respect to, material otherwise available for public inspection and copying pursuant to section eighty-eight of the public officers law;

(b) instructions to staff that affect members of the public;

(c) final reports and formal opinions submitted to the legislature;

(d) final reports or recommendations and minority or dissenting reports and opinions of members of committees, subcommittees, or commissions of the legislature;

(9) are computer access codes;

(10) are material prepared for litigation or constituting attorney work product.

b. For purposes of this rule, "agency" shall have the same meaning as that term is defined in section eighty-six of the public officers law, but shall also include either or both houses of the legislature.

c. In order to facilitate access to records made available in accordance with this rule, a copy of this rule shall be posted at a public location to be determined by the Assembly.

d. The determination of the Assembly, with respect to the denial of access to any materials of such house to which access is sought under this rule shall be final and not subject to further review.

§ 3. Public information office. There shall be an Assembly Public Information Office to provide and disseminate information to the media and to the general public in accordance with the provisions of the "Freedom of Information Law" and this rule.