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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

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March 15, 2012

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Re: Issuance of Executive Order #010

Dear Honorable Members:

Enclosed please find Executive Order #010—Streamlining the Process for Public Access to Government Records by Email, which I signed today, March 15, 2012.

As previously noted, I plan to issue Executive Orders and make them publicly available in an effort to keep the residents and taxpayers of Erie County—my bosses—informed of my actions when they do not require Legislative approval.

Should you have any further questions regarding this or any other matter, please do not hesitate to contact me. Thank you for your time and consideration of this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

By: 
Richard Tobe
Deputy Erie County Executive

Enclosure

Cc: Honorable Timothy Howard, Erie County Sheriff
Honorable Frank Sedita, Erie County District Attorney
Honorable Chris Jacobs, Erie County Clerk
Honorable David Shenk, Erie County Comptroller
Erie County Fiscal Stability Authority

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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

Executive Order # 010

Streamlining Process for Public Access to Government Records by Email

WHEREAS, the New York State Legislature finds that a free society is maintained when government is responsive and responsible to the public, and when the public is aware of governmental actions. The more open a government is with its citizenry, the greater the understanding and participation of the public in government;

WHEREAS, as state and local government services increase and public problems become more sophisticated and complex and therefore harder to solve, and with the resultant increase in revenues and expenditures, it is incumbent upon the state and its localities to extend public accountability wherever possible;

WHEREAS, the people's right to know the process of governmental decision-making and to review 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 or confidentiality;

WHEREAS, the legislature therefore declared that government is the public's business and that the public, individually and collectively and represented by a free press, should have access to the records of government;

WHEREAS, New York State's Freedom of Information Law, codified as Public Officers Law, Article 6, §§84-90, is intended to guarantee members of the public the right to access government records;

WHEREAS, §89(3)(b) of the Law requires all governments to accept requests for records submitted in the form of electronic mail and shall respond to such requests by electronic mail;

WHEREAS, it has come to the Poloncarz administration's attention that neither a standardized process of adherence to the Law nor means to accept or respond to electronic requests exists for Erie County departments under the control of the County Executive; and,

WHEREAS, it is an expressed goal of the Poloncarz administration to create a more open and transparent county government.

NOW, THEREFORE, I MARK C. POLONCARZ, Erie County Executive, by virtue of the authority vested in me by the Erie County Charter §§301 & 302, do hereby order as follows:

1. It is ordered that Erie County shall afford the public the opportunity to submit records access requests by email through an electronic form located on the County's official website; and it is,

2. Further ordered that each department shall identify its FOIL Officer whose name and contact information shall be included on the County's official website; and it is,

3. Further ordered that County employees who are designated as a FOIL Officer for their department or division of a department shall maintain a specific email account for receipt of and response to requests for records that is directly accessible to the public through said electronic form; and it is,

4. Further ordered that each department and division may refuse to release any record that is protected by law or that is exempt from release pursuant to Public Officer's Law §87(2), which subsequently may be appealed by the requestor; and it is,

5. Further ordered that the County designate a FOIL Appeal's Officer to independently review the withheld records and reasons provided for withholding them and make a final determination as to whether they were improperly withheld and must be released; and it is,

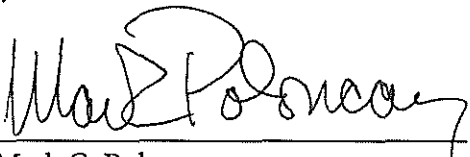
6. Further ordered that the requestor may appeal an information denial by email by using an additional electronic form also located on the County's official website, which shall be maintained by the County's FOIL Appeals Officer; and it is,

7. Further ordered that each department shall maintain and annually update a list of the subject matter of all records maintained by such department or division, even if some or all of such records are not available under the law; and it is,

8. Further ordered that no department or division shall enter into or renew any contract that impairs the right of the public to inspect or copy such records.

GIVEN, under my hand and the Privy Seal of the County of Erie in the City of Buffalo this fifteenth day of March, in the year two thousand twelve.

County of Erie

By: 

Mark C. Poloncarz
Erie County Executive