

City of Buffalo Living Wage Commission
Rules on Public Access to Documents and Confidentiality

As Amended January 10, 2007

1. Records kept by the City of Buffalo Living Wage Commission (LWC) are available Monday through Friday, nine a.m. to four p.m., at the Cornell University ILR School, 237 Main Street, Suite 1200, Buffalo NY 14203.
2. The current contact person at Cornell is Lou Jean Fleron, 852-4191.
3. The fee for photocopies is 25 cents per page. The fee may be waived by the LWC upon a showing of economic hardship.
4. Upon request, the LWC will provide a certified copy or certify that it does not have possession of the record requested.
5. Upon a written request for access to records, the LWC shall respond within five business days to:
 - a. Grant the request, or
 - b. Deny the request, or
 - c. Ask that the request be clarified because the record was not reasonably described, or
 - d. Give a date when the request will be granted or denied, and, if that date is more than 20 business days away, explain why the request cannot be granted sooner.
6. Denials of access shall be in writing and shall include the reason for the denial and information about the right to appeal, including the address of the Chair of the LWC and an appeal form asking the person appealing to identify the date of the

- request for access, the records that were denied, and the name, phone number, and address of the person denied access.
7. If a person is denied a request for a record, that person may file a written appeal to the Chair of the LWC within 30 days of the denial. Within 10 business days of receiving the appeal, the Chair or the Chair's designee will grant the request or fully explain the denial in writing.
 8. The LWC will forward copies of all appeals and appeal denials to the Committee on Open Government, Department of State, 41 State Street, Albany NY 12231.
 9. The LWC shall maintain:
 - a. A record of the final vote of each commissioner in every proceeding in which the member votes;
 - b. A record with the name, public office address, title, of every commissioner and employee of the LWC, and the salary of every employee.
 - c. A reasonably detailed current list by subject matter of all records in the possession of the LWC, whether or not available under the Freedom of Information Law.
 10. When an employee makes a grievance to the LWC, the Living Wage Ordinance provides that "written and oral statements made by an employee shall be treated as confidential and shall not be disclosed to the covered employer without the consent of the employee." However, under state law, the LWC may keep such statements confidential only to the extent allowed by the Freedom of Information Law (FOIL).

11. Under FOIL, the LWC “may deny access to records or portions thereof that” if disclosed “would constitute an unwarranted invasion of personal privacy.”
12. The LWC **will** deny access to information contained in an employee statement relating to a grievance where disclosure would constitute an unwarranted invasion of personal privacy.
13. If an employee makes a grievance but does not sign a release allowing for disclosure, then the LWC will redact identifying information such as name, address, and phone number before using the grievance as evidence in a hearing or otherwise making it public.
14. If the information is not contained in an employee statement relating to a grievance, the LWC **may choose** at its discretion to deny access to prevent an unwarranted invasion of personal privacy. In general, the LWC will seek to delete personal information such as names, addresses and phone numbers before giving access to information.
15. An unwarranted invasion of personal privacy includes, but is not limited to:
 - a. Disclosure of employment, medical or credit histories or personal references of applicants for employment;
 - b. Disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such information is not relevant to the work of the agency requesting or maintaining it;
 - c. Disclosure of information of a personal nature reported in confidence to an agency and not relevant to the ordinary work of such agency.