

**GATEWAY DEVELOPMENT COMMISSION  
ACCESS TO PERSONAL INFORMATION POLICY**

**I. INTENT**

The provisions in this Policy are intended to comply with Section 2(5)(k) of the NY Act and Section 6(k) of the NJ Act, which reference Article 6-A of the Public Officers Law of the State of New York, known as the Personal Privacy Protection Law. To the extent any person who makes a request for access to records or for amendment of records contends that this Policy is in any way inconsistent with such laws, the Policy shall be interpreted in a way that renders it consistent with those laws.

This Policy is also promulgated in accordance with Section VII of the Commission's *Public Records Access Policy*, which provided that the Chief Ethics & Compliance Officer is directed and authorized to develop a set of rules regarding access to personal information that will be published on the Commission's website.

Terms used in this *Access to Personal Information Policy* have the meanings set forth in the Commission's *Public Records Access Policy* where indicated, and otherwise have the meaning ascribed to them in the Personal Privacy Protection Law.

**II. DESIGNATION OF ADMINISTRATOR FOR ACCESS TO PERSONAL INFORMATION**

1. The Records Access Administrator of the Commission is responsible for ensuring compliance with this Policy, and for coordinating the Commission's response to requests for records or amendments of records hereunder.
2. Any correspondence pertaining to accessing personal information may be submitted by email or mail addressed to the Records Access Administrator at the Commission's office. Methods of communication will be prominently posted on the Commission's website and in any office the Commission may maintain.

**III. ACCESS TO PERSONAL INFORMATION**

The Records Access Administrator shall be responsible for:

1. assisting a data subject in identifying and requesting personal information, if necessary;
2. describing the contents of systems of records orally or in writing, in order to enable a data subject to learn whether a system of records includes a record or personal information identifiable to a data subject requesting such record or personal information;
3. taking one of the following actions upon locating the record sought:

- make the record available for inspection, in a printed form without codes or symbols, unless an accompanying document explaining such codes or symbols is also provided;
  - permit the data subject to copy the record; or
  - deny access to the record, in whole or in part, and explain in writing the reasons therefor;
4. making a copy available, upon request, upon payment of, or offer to pay, established fees, if any, or permitting the data subject to copy the records;
  5. upon request, certifying that a copy of a record is a true copy; or
  6. certifying, upon request, that:
    - the Commission does not have possession of the record sought;
    - the Commission cannot locate the record sought after having made a diligent search; or
    - the information sought cannot be retrieved by use of the description thereof, or by use of the name or other identifier of the data subject without extraordinary search methods being employed by the Commission.

#### **IV. LOCATION AND HOURS FOR REQUESTS FOR INSPECTION**

Requests for in-person inspection or copying of records by appointment may be made to the Records Access Administrator of the Commission in writing, and may be submitted by email or mail or in person by appointment at the Commission's office.

#### **V. REQUESTS FOR ACCESS TO RECORDS**

1. Requests must contain sufficient information to enable the Commission to locate and identify the particular records sought. Such requests must not be overly broad, but must be as detailed as possible and provide, at a minimum, a clear description of the record or type of record being sought.
2. All requests shall be made in writing, except that the Commission, in its discretion, may make records available upon an oral request made in person after the data subject has demonstrated proof of identity, if proof of identity is required.
3. A request shall identify the data subject and reasonably describe the record sought. To the extent possible, the data subject shall supply identifying information that assists the agency in locating the record sought.
4. Requests based upon categories of information described in a notice of a system of records or a privacy impact statement shall be deemed to reasonably describe the record sought.

5. When a request is made in person, or when records are made available in person following a request by mail or email, the Commission may require appropriate identification, such as a driver's license including a photograph of the driver, an identifier assigned to the data subject by the Commission, a photograph or similar information that confirms that the record sought pertains to the data subject.

6. When a request is made by mail or email, the Commission may require verification of a signature or inclusion of an identifier generally known only by a data subject, or similar appropriate identification.

7. Within 5 business days of the receipt of a request, the Commission shall provide access to the record, deny access in writing, explaining the reasons therefor and identifying the person to whom an appeal may be directed, or acknowledge the receipt of the request in writing, stating the approximate date when the request will be granted or denied, which date shall not exceed 30 days from the date of the acknowledgment.

8. A failure to grant or deny access to records within 5 business days of the receipt of a request or within 30 days of an acknowledgment of the receipt of a request, shall be construed as a denial that may be appealed.

## **VI. REQUESTS FOR CORRECTION OR AMENDMENT OF RECORDS**

1. Within 30 business days of a request from a data subject for correction or amendment of a record or personal information that is reasonably described and that pertains to the data subject, the Commission shall:

- make the amendment or correction, in whole or in part, and inform the data subject that, on request, such correction or amendment will be provided to any such person or governmental unit to which the record or personal information has been or is disclosed, in accordance with law; or
- inform the data subject in writing of its refusal to correct or amend the record, including the reasons therefor.

2. Denial of a request for correction or amendment of a record or personal information shall:

- be in writing, explaining the reasons therefor; and
- identify the person to whom an appeal may be directed.

3. A failure to respond to a request for correction or amendment of a record within 30 business days of receipt of such a request, shall be construed as a denial that may be appealed.

## **VII. APPEAL**

1. Any person denied access to a record pursuant to Section V, or denied a request to correct or amend a record or personal information pursuant to Section VI, may, within 30 business days of such denial, appeal to the General Counsel.
2. The time for deciding an appeal shall commence upon receipt of a written appeal that identifies:
  - the date and location of a request for a record or correction or amendment of a record or personal information;
  - the record that is the subject of the appeal; and
  - the name and return address of the appellant.
3. A failure to determine an appeal of a denial of access within 7 business days of its receipt, either by granting access to the records sought or fully explaining the reasons for further denial in writing and informing the data subject of his or her right to seek judicial review of the denial in accordance with the Personal Privacy Protection Law, shall constitute a denial of the appeal.
4. A failure to determine an appeal concerning a denial of a request for correction or amendment within 30 business days of its receipt, either by correcting or amending the record or personal information, or by fully explaining the reasons for further denial in writing and informing the data subject of his or her right to seek judicial review of the denial in accordance with the Personal Privacy Protection Law, shall constitute a denial of the appeal.
5. If, on appeal, a record or personal information is corrected or amended, the data subject shall be informed that, on request, the correction or amendment will be provided to any person or governmental unit to which the record or personal information has been or is disclosed, in accordance with law.
6. The General Counsel of the Commission (or designee(s)) shall notify the Co-Chairpersons of the Commission when any proceeding seeking review of a denial of a request for access to a record or a request to correct or amend a record or personal information is commenced in the Courts of New York or the Courts of New Jersey.

## **VIII. STATEMENT OF DISAGREEMENT BY DATA SUBJECT**

1. If correction or amendment of a record or personal information is denied, in whole or in part, upon appeal, the determination rendered pursuant to the appeal shall inform the data subject of the right to:

- file with the General Counsel a statement of reasonable length setting forth the data subject's reasons for disagreement with the determination;
  - request that such a statement of disagreement be provided to any person or governmental unit to which the record has been or is disclosed, in accordance with law.
2. Upon receipt of a statement of disagreement by a data subject, the staff shall coordinate the Commission's fulfillment of its obligation:
- to clearly note any portions of the record that are disputed; and
  - to attach the data subject's statement of disagreement in conjunction with a disclosure to a person or governmental unit, in accordance with law.
3. The Commission may also include a concise statement of its reasons for not making the requested amendment or correction and attach such statement to the data subject's statement of disagreement in conjunction with a disclosure to a person or governmental unit in accordance with law.

## **IX. FEES**

1. The General Counsel may determine whether, and in what amount, fees may be charged for the fulfillment of requests for access to records.
2. Any fee schedule used by the Records Access Administrator shall be posted on the Commission's website, and the Records Access Administrator shall be responsible for maintaining it in updated form.
3. For any fee that is calculated, in whole or in part, based on the agency's actual cost, the Records Access Administrator shall perform and document such calculation.
4. The Records Access Administrator may require payment of any fee charged under this Section IX before access to records is granted.
5. For any fee charged under this Section IX, the General Counsel shall inform the requester of the estimated fee before the charge is incurred.