

Section 11: Appeals

- (a) Any denial, in whole or in part, of a request for records may be administratively appealed to the Board. This appeal right includes the right to appeal a request for which no timely response has been made, and from a response indicating no responsive records existed within the Authority's files, including its electronic files.
- (b) An appeal must be in writing and must be received by the Authority within 30 days after the date of the denial. All appeals should be addressed, and mailed or emailed to:

Board of Commissioners
Erie County Water Authority
295 Main Street, Room 350
Buffalo, New York 142023
Email: foil@ecwa.org

- (c) The Board shall inform the appellant and the Committee on Open Government of its determination in writing within 10 business days of the receipt of the written appeal. The failure to timely determine the appeal within 10 business days shall constitute a denial of the appeal, subject to judicial review pursuant to Article 78 of the Civil Practice Law and Rules.
- (d) After an appeal has been filed, the Secretary shall immediately transit to the Committee on Open Government copies of all papers submitted to the Board in the appeal. Copies of such papers shall be addressed to:

Committee on Open Government
Department of State
One Commerce Plaza
99 Washington Avenue, Suite 650
Albany, New York 12231

- (e) An appeal to the Board is considered a quasi-judicial proceeding pursuant Public Officers Law § 108 (1) and is not subject to the provisions of the Open Meetings Law.