

(Committee on Governance and Ethics 04/28/16)

**The Port Authority of New York and New Jersey  
Committee on Governance and Ethics Transcripts  
April 28, 2016**

[Board Chair J. Degnan] I'm now going to ask Commissioner Lipper to call to order the Committee on Governance and Ethics. Ken.

[Chair K. Lipper] Today's meeting of the Governance and Ethics Committee is being held in its entirety in public session. I call on the General Counsel and the Board Secretary to inform us of any recusals.

[K. Eastman] Yes, thank you. First, the composition of the Committee is yourself as Chairman, Commissioner Schuber as Vice Chairman and Commissioners Cohen and James as members. All Committee members are present today with the exception of Commissioner Schuber. There's no recusals on either of these two matters, and I'll turn it over to Assistant General Counsel.

[Chair K. Lipper] We're going to discuss two things, Carlene McIntyre is going to speak. One is access to the Port Authority's records and the second is access to personal files. These are two efforts to expand the transparency at the Port Authority. And to make the Freedom of Information Act more available and more effective with specific time frames. So it's a major governance advance which the General Counsel will now describe.

[C. McIntyre] Today, Commissioners, it's my pleasure, in compliance with the laws of New York and New Jersey and in furtherance of the Port Authority's efforts towards enhanced transparency, to recommend the adoption of two policies. First, the Port Authority's Public Records Access Policy and second the Port Authority's Personal Information Access Policy. The Public Records Access Policy will build upon efforts of transparency and openness. The Port Authority will continue in compliance with the laws of both states, when either under New Jersey's Open Public Records Act or New York's Freedom of Information law, either law requires that a record be released upon request, that record will be released. This policy will clarify for the public that the Port Authority's procedures for obtaining access to records including the process for appeals of any denials of records access requests. The procedures will put the Port Authority on par with the laws of both states with regard to these policies and we look forward to providing requesters with an enhanced records policy access process. We also have before you today the Personal Information Policy. That will allow individuals to request records and data that the Port Authority may be obtaining and creating that will involve their own personal information. They're able to request such records, and in some cases, request that those records, if they deem it to be appropriate, be corrected. The policy allows those requesters to receive that information in a timely fashion upon proof of identity. And ensure, therefore, access to those records and correction of the same. It's my pleasure to recommend that the Board adopt both of these policies.

[Chair K. Lipper] Thank you, Carlene. I think that one point that Carlene mentioned that should be emphasized is that the Port Authority's being held to the highest standard in either law, New Jersey or New York, so that a New York citizen that's applying for something that might not be

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permitted in New York, but is permitted under New Jersey law, will still have access to these records. So it's a very major expansion of the rights of the individual and much in keeping with the efforts of this Board to move forward and make the agency as transparent as possible to get the public input and to make it also available to personnel or whomever has an interest in it. I would like to make the resolutions for the Board to pass. The first concerns the adoption of a Public Records Access Policy compliance with the applicable laws in the states of New York and... I will recommend that these resolutions be enacted at the full Board meeting and I'll wait until the Board meeting, I gather, to recommend them. Is that correct, Karen?

[K. Eastman] Yes. Can we have a motion that the Board is willing to move it forward too, for action?

[Board Chair J. Degnan] I have a question. Carlene, there's a provision in this policy that fees can be charged for the production of documents by the Secretary. That is consistent with the existing policy with the Port Authority as I understand it, the Secretary now has the ability to charge fees. It's not a change in that, right?

[C. McIntyre] It is not a change.

[Board Chair J. Degnan] Karen, there's no present plan to change our current policy with respect to when and how much we charge for production of the documents, correct?

[K. Eastman] No, there's not. And in fact, there's no charge to obtain documents because we do it electronically.

[Board Chair J. Degnan] Right. Okay, thank you. And are we moving both motions now, because we... Okay. Yeah. Both.

[Chair K. Lipper] Do I have a second to Chairman Degnan's motion? I second. >> I second. All in favor?

[ALL RESPONDING] Aye. Any objections? Thank you. The resolution is passed. Both resolutions are passed.

[Board Chair J. Degnan] Thank you, Ken. And that concludes the public portion of the Committee meetings of the Port Authority.