Recording of University Council Meetings

To follow-up on the University Council Chair’s question of whether the Council has to record its meetings, either audio or video or both, the Open Meetings Law (Public Officer’s Law, Article 7) does not require a public entity to audio and/or video record its open meetings. It may choose to do so, but it is not obligated to do so. (NYS Open Government Advisory Opinion 5011)

Section 106 of the Public Officer’s Law does require minutes, though. The NYS Committee on Open Government Opinion, the advisory body for issues on open government, acknowledges that tape recordings have the elements of minutes; however, it has opined that minutes of public meetings should be reduced to writing, in order that they constitute a permanent written record that can be viewed by the general public. (NY State Open Government Advisory Opinion 2872) In addition, because audio and video recordings cannot be preserved permanently, it would be inappropriate to consider them as "official" minutes of City Council meetings. (NYS Open Government Advisory Opinion 3981) The minutes do not have to be a verbatim account of what was said, but at a minimum, the minutes should be a summary of what proposals the public body considered, and what actions it took, including the vote of the membership. (NYS Open Government Advisory Opinion 2886)

Of note, the NYS Committee on Open Government has opined that a public body may not impose a blanket ban on all recording of its open meetings by the public. (NY State Open Government Advisory Opinion 3037) It has advised that a member of the public may record the open meeting of a public body so long as the recording is carried out in an unobtrusive manner and does not otherwise interfere with the deliberative process. (Open Government Advisory Opinion 3037)

I recommend that you discuss the matter with the Chair of the Council. If you do not rely upon the recordings for drafting meeting minutes or carrying out other Council business, and the Chair opines that the recordings do not assist him or the Council in performing the Council’s statutory functions and carrying out its business, then simply stop making the recordings.

Thank you.

Janet

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