§ 23-0313. Public access to records.

1. a. Any records or reports or portions thereof pertaining to the production, sale, purchase, acquisition, storage or injection of oil and gas and associated fluids and any records or reports or portions thereof pertaining to the transportation of oil and gas, and any information obtained therefrom, shall be for the confidential use of the department and other departments, agencies and officers of the state for a period of six months following the period to which such records or reports apply, unless the person furnishing the records or reports expressly agrees to their earlier publication or availability to the general public, except as provided in subdivision five of section five hundred ninety-five of the real property tax law. Notwithstanding any law to the contrary, such records shall not be excepted from disclosure to the public after expiration of such six-month period. Nothing in this subdivision shall be construed to prevent the use of such records, reports or information obtained therefrom by any department, agency or officer of the state government in compiling or publishing analyses or summaries relating to the general condition of the industry, the economy or the condition of the natural resources of this state, provided that such analyses or summaries do not involve the publication of records, reports or information relating to a single firm or business enterprise.

b. Notwithstanding any law to the contrary, records or portions thereof pertaining to metering or other measuring of brine produced by solution mining and to each solution mining cavity or group of interconnected solution mining cavities shall not be released by the department for publication nor be available to the general public without consent of the producer.

c. Notwithstanding any law to the contrary, applications for permits, records or portions thereof which pertain to the total depth and plugging records of wells subject to the oil, gas and solution mining law shall not be excepted from disclosure to the public.

d. Well logs, well samples, directional surveys and reports on well drilling and completion, for all wells subject to the oil, gas and

solution mining law, shall be for the confidential use of the department and other departments, agencies and offices of the state government until six months after the commencement of actual drilling operations.

(1) The department may extend the six-month period for an additional six months for a well where drilling operations have been continuous throughout that period. A written request for the extension by the person furnishing the records will not be considered unless it is submitted to the department no more than thirty days before the expiration of the first six-month period. The department shall act upon the request within fifteen days after receipt of the written notification.

(2) The records subject to this paragraph may be excepted from disclosure after the applicable six-month period pursuant to the provisions of subdivision two of section eighty-seven of the public officers law provided, however, that such records cannot be excepted from disclosure for longer than two years after the commencement of the applicable six-month period. A written request for the exception by the person furnishing the records will not be considered unless it is submitted to the department at least thirty days before the expiration date of the applicable six-month period. The request for the exception from disclosure must be sent by certified mail, return receipt requested, and addressed to the New York State Department of Environmental Conservation, Division of Mineral Resources, Records Custodian, Albany, New York. Any person may make a request to the department for disclosure of records pursuant to this subparagraph in accordance with article six of the public officers law.

2. The records which the department has excepted from disclosure pursuant to article six of the public officers law on or before the effective date of this section shall continue to be excepted from disclosure for one year after the effective date of this section or two years from the commencement of actual drilling operations, whichever is later. The person furnishing the records may authorize the release of these records at any time before the expiration of the applicable periods. Any person may make a request to the department for disclosure of records pursuant to this subdivision in accordance with article six of the public officers law.