

Brennan Center for Justice • Citizens Union • Common Cause NY
Consumers Union • League of Women Voters • NYPIRG • NYCLU
Reinvent Albany • Tri-State Transportation Campaign
Sunlight Foundation • Pace Environmental Litigation Clinic

July 28, 2015

Governor Andrew Cuomo
State Capitol
Albany, NY 12224

Re: Please sign two bills that strengthen New York's Freedom of Information Law

Dear Governor Cuomo:

Our groups write to urge you to sign two bills that strengthen the Freedom of Information Law (FOIL) by improving the process for appealing denials of FOIL requests. Both S.1531/A.114 and S.533/A.1438B were recommended by the State Department of State's Committee on Open Government and both passed the legislature unanimously. Both bills are narrowly focused, have a clear intent, and are easy to implement.

The Freedom of Information Law is the single most important tool for open and transparent government in New York State. Journalists and government watchdog groups depend on FOIL to help hold government accountable. Businesses rely on FOIL to ensure the government procurement process is fair and to extract valuable government information that helps promote economic growth. Unfortunately, government agencies often deliberately delay the FOIL process, or simply do not provide the requested records. Agencies know that it is very expensive for the public to appeal a FOIL request to the courts, and are often able to effectively ignore FOIL.

These two bills will help make government agencies more responsive to FOIL requests by improving the process for appealing the denial of those requests.

- S.1531/A.114 reduces the time agencies have to appeal a judge's decision granting public access to public records to two months from nine months.
- S.533/A.1438B requires agencies to pay attorneys' fees and court costs when a member of the public has substantially prevailed and the court finds that the agency had no reasonable basis for failing to provide the records requested via FOIL.

Sincerely,

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