Listening to FOIL
NYC DOITT

November 5, 2015

Executive Summary

As part of our ongoing work to publish agency data as part of the NYC open data initiative, Reinvent Albany examined the Freedom of Information requests sent to NYC DOITT from Oct. 2014 to Sept. 2015. (Note that DOITT responds to FOIL requests on behalf of the 311 system.)

Summary of FOIL Requests

- There were 515 requests from 130 people/companies. (This is a low number given DOITT's size and budget.) 89% of FOILs were for 311 Service Requests. 61% of all FOILs were from one Brooklyn-based real estate research company, RBA Inc. (316 out of 515 FOIL requests.)

- All 316 of RBA's FOIL requests sought the complaint details noted by 311 operators on 311 Service Requests for specific addresses.

- 72% of non-RBA FOILs also sought 311 Service Request data.

- The three most frequently-requested kinds of non-311 records related to Franchises, RFPs and Bids, and city Contracts. Combined, these records were the subject of 23 FOIL requests, or 4.5% of all requests.

Analysis

- NYC publishes 311 service request data on the NYC Open Data Portal and NYC Stat, but not all requests are online and both websites are difficult to use.

- Neither site provides Complaint Details for each 311 Service Request, but FOILed versions of Service Requests do contain those details.

- Complaint Details are the only qualitative data available for 311 requests, but they are not published anywhere, forcing users to FOIL for it.

Recommendations

- Consolidate NYC Stat and the Open Data Portal, providing one resource for 311 Service Request data.

- Publish Complaint Details for 311 Service Requests, which will reduce DOITT's FOIL workload by 90%. Complaint details can be published if Personal Identifying Information is removed, which can be done by removing names and terms using software or going forward, by putting it in a separate data field.

Introduction

Reinvent Albany has analyzed the Freedom of Information Law requests received by numerous New York State and City agencies in an effort to identify what agency information and data the public is interested in, and to make a case for publishing that information online. In June 2014, Reinvent Albany published Listening to FOIL, an analysis of the FOIL requests made to the New York State Department of Environmental Conservation in 2013.[1] We found that 2,200 of DEC's 4,000 FOIL requests targeted a handful of DEC data sets. Accordingly, we recommended that the DEC publish those data sets online to reduce the number of FOIL requests it had to respond to.

Since then, we have analyzed numerous other FOIL logs, and decided to publish to our analysis of requests received by the NYC Department of Information Technology and Telecommunications (DOITT), an agency we are familiar with. DOITT is particularly interesting to us because it both manages NYC's Open Data Portal and processes FOIL requests for NYC's mammoth 311 system. We filed FOIL requests for FOILs DOITT received from October 2014 to September 2015.[2]

Findings

We were surprised to learn that one small company in Brooklyn submitted 62% of all DOITT's FOIL requests—and we will discuss that—but first some other observations about DOITT's FOILs.

Not a Lot of FOILs

DOITT receives very few FOIL requests, considering how much public business the agency conducts: only 515 FOILs in the span of a year. DOITT's FOIL burden is far lower than the city departments of Transportation, Finance, Buildings, and Housing Preservation & Development, despite the fact that these agencies have similarly-sized annual budgets, all between 250 and 800 million dollars.

Most Requests are for 311 Service Requests

The overwhelming majority (90%) of DOITT's FOIL requests are for records of 311 Service Requests. The 311 system is operated by the Mayor's Office, but administrative support, including responding to FOIL, is provided by DOITT. 311 is the most popular way for New Yorkers to communicate with their government.

## Annual FOIL Requests at NY State and City Agencies
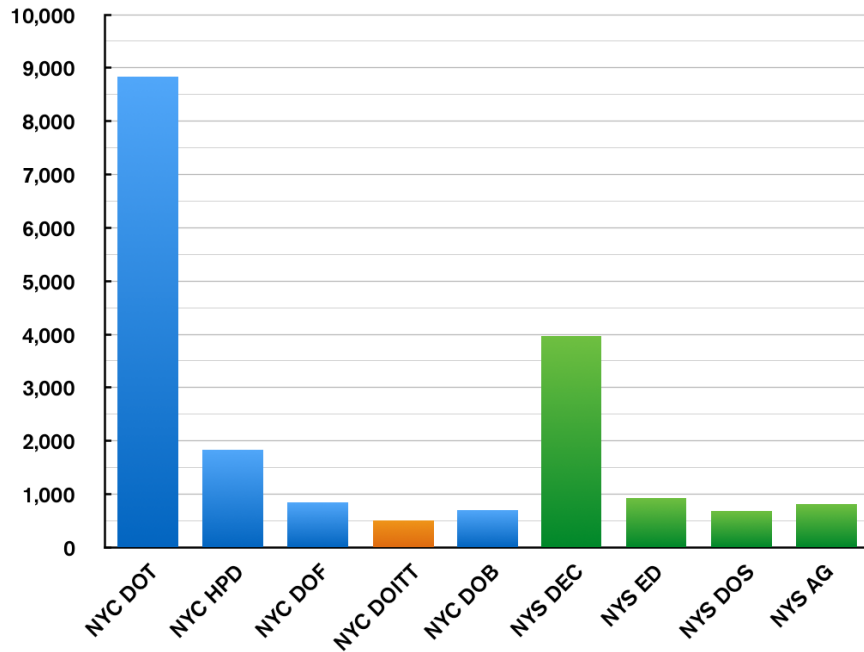
The 311 system has handled and processed over two hundred million calls since its launch in 2003. DOITT shares information about 311 by publishing a running list of 311 Service Requests on the Open Data Portal,[3] and maintaining a website called NYC Stat 311 Reporting,[4] which was mandated by Local Law 47 of 2005.

According to NYC Stat, there were 2.3 million 311 Service Requests between October 2014 and September 2015. Over the same period, the Open Data Portal lists 1.9 million 311 Service Requests. It is unclear why there are two different figures for the same time period, but the fact is that 311 processes millions of Service Requests every year.

FOIL requestors are extremely interested in the details of calls to 311: for the 52 weeks studied,[5] DOITT received 515 FOIL requests. Of those, 89% (459) were for 311-related records, and about 4.5% of the remaining requests were for records related to telecommunication franchises, RFPs and bids, or city contracts. This means that overwhelming majority of FOIL requests are for 311 requests, and that more information could be included in the 311 open data set.

2014 FOILs to DOITT	
311 Requests	459
Franchises	8
Bids / RFP	8
Contracts	7
Other	33
Total	**515**

FOIL Requestors to DOITT, Oct. 2014 to Sept. 2015
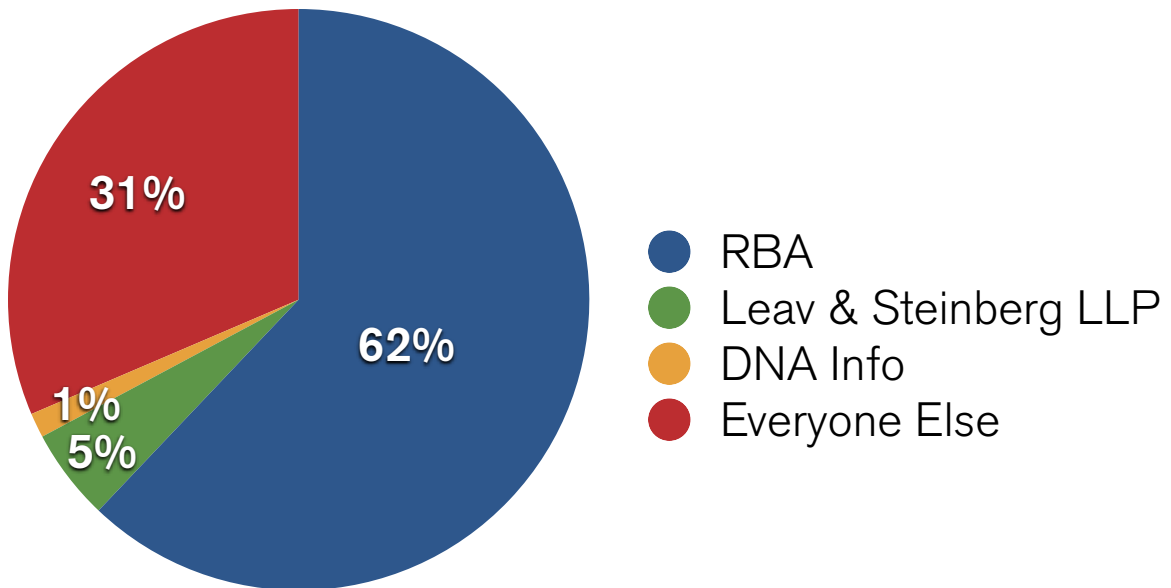
Of the 459 FOIL requests for 311-related records, 69% (316) are from a single company: RBA, Inc., a real estate research company. The second most-frequent FOILer is Leav & Steinberg LLP, a personal injury law firm which files 5% (26) of 311 FOILs. The third most-frequent requestor of 311 Service Requests is DNA Info, an online news organization which was responsible for 1.5% (7) FOILs. The remaining 159 requests were filed by 126 different organizations.

Even if we ignore RBA's requests for a moment, 311-related records are still the overwhelming majority of all FOIL requests to DOITT: over 70% (131) of the 186 non-RBA FOIL requests are for records related to 311 Service Requests. These records are extremely valuable to multiple parties, not just one FOILer (RBA) which abuses the FOIL process by filing requests with DOITT than every other organization in New York City combined.

NYC Has Done a Good Job Publishing 311 Data

DOITT has already put millions of 311 service requests online, has geocoded each address, and tagged each request with the relevant community board. This is a best practice for the Open Data Portal, and there are hundreds of other data sets missing useful geospatial data like latitude/longitude, community board information, police precincts, and so on.

Given the size and importance of 311 to the public, DOITT's FOIL burden is already very small thanks to their strong open data offerings. DOITT gets so few FOIL requests compared to other agencies because most users of DOITT's data can quickly and easily go to the Open Data Portal. If not for one company whose business model depends on filing multiple FOIL requests every day, DOITT would be an even more remarkable FOIL-powering-open-data success story.

The Frequent FOILer: RBA Inc, of Brooklyn

We spoke to the most frequent FOILer, RBA Inc., to ask why they file so many FOIL requests instead of using the enormous amounts of 311 data published on the Open Data Portal. RBA told us they are looking for the detailed comments left by people who made a 311 complaint or Service Request about a specific property. These "Complaint Details" are not published online, but they are provided by DOITT in response to FOIL requests.

We FOILed one of the records provided to RBA via FOIL, to see how much more information is in FOILed 311 records than the 311 data on the Open Data Portal.

A typical RBA FOIL request is for 311 Service Requests "relating to 408 East 64th Street, New York, New York and/or the name [John Doe][6] for the period 1/1/2003 through 1/29/2015." DOITT responds with Complaint Details like:

> "NO GAS IN APARTMENT BUILDING SINCE JUNE 24TH. CON-ED CUT GAS OFF DUE TO A GAS LEAK AND NEVER CUT IT BACK ON" and "THICK SMOKE FROM A RESTAURANT'S SMOKE STACK, SMOKE GETS INTO THE APARTMENT."

By comparison, the Open Data Portal describes these 311 requests as: "Gas Hookup/Piping: Defective" and "Air Quality: Chimney/Vent Smoke."

Data Missing from 311 Open Data

There are 14 more fields in FOILed 311 data than in the Open Data Portal's 311 data. Of those, half contain no Personally Identifiable Information (PII) and therefore do not get redacted before being released under the FOIL process.

Data Available from FOILing 311, but not in Open Data Portal

Fields Without PII	Fields With PII
Date of Incident	Complaint Details*
Agency Subdivision	Gas Meter Number
Source of Request	Customer Last Name
Notes to 311 CSR	Customer First Name
Location Details	Customer Daytime Phone
Parking Lot Garage	Customer Evening Phone
Notes to Customer	Customer Email Address

Fields Without PII

Date of Incident is distinguished from the date of the actual call to 311: someone might call 311 to request service for something which happened a day earlier.

Agency Subdivision is separate from the Agency itself: The Department of Health and Mental Hygiene's Office of Environmental Health or the NYPD's Quality of Life program.

Source of Request is whether the service request came via phone call to the 311 call center, via the smartphone app, or the 311 web site, etc.

Notes to 311 CSR is a reminder to the 311 employee fielding the call; for example, to put business names in one field, and not the "type of site" field.

Location Details contains information like "Cafe" or "John's Pizzeria is the name of the business at [address in question]."

Parking Lot Garage apparently contains information about whether the location in question is a parking lot or a garage.

Notes to Customer contains miscellaneous information for the customer, such as "contact precinct directly about lost camera."

Fields With PII (Redacted in FOIL Requests)

Complaint Details is the single most descriptive field, and contains detailed qualitative information about each 311 request, per above. Occasionally, there is PII in

this field, which means DOITT's FOIL officer must review each one. As much of this information should be put online as possible; this is what FOILers are after.

Meter Number contains information specific to certain 311 calls, such as HPD Service Requests, and apparently revolves around water and gas problems. This is redacted in the FOIL request, and is not eligible for publication on the portal.

Customer Last Name, First Name, Phone Number, and Email Address, are self-descriptive. These are properly redacted from all FOIL responses, and cannot (and should not) be published on the portal.

Recommendations

If 311 data on the Open Data Portal included the Complaint Details of 311 Service Requests, DOITT could avoid the cost of processing hundreds of FOIL requests. Based on our previous research,[7] we estimate this would save NYC taxpayers $184,000, given an average cost per FOIL of $400.

However, because the Complaint Details field occasionally contains PII, simply publishing the full text of every detail for every complaint in the 311 data set is impractical. There are more than ten million 311 requests on the Open Data Portal; examining the Complaint Details for all previous requests is likely impossible.

Going forward, DOITT and 311 can:

- *Explore the possibility of using an algorithm to remove PII from Complaint Details.* Manual redaction is impractical, but filtering out proper names, phone numbers, and so on can be done programmatically.

- *Put the PII from Complaint Details in a separate data field.* This will allow all 311 Complaint details to be shared and provide potential useful insights to open data users without impinging on personal privacy. 311 has other data fields available for comments, which could be reserved for non-public information. This would mean that 311 can open the most-valuable data from other fields.

- *Publish the five other fields which do not contain PII and are missing from the Open Data Portal.* Date of Incident, Agency Subdivision, Source of Request, Location Details, and Parking Lot Garage are all fields which should be published, because there is no reason to omit them from the Open Data Portal.

Endnotes

1. Available at http://reinventalbany.org/reports/

2. A copy of these FOIL requests are available at http://reinventalbany.org/2015/11/listening-to-foil-at-nyc-doitt/

3. Available at http://nyc.gov/data

4. Available at http://www.nyc.gov/html/ops/ll47

5. Reinvent Albany examined the FOIL logs of DOITT from October 1, 2014 to September 30, 2015. A copy of these logs are available at Reinvent Albany's web site: http://reinventalbany.org/2015/11/listening-to-foil-at-nyc-doitt/

6. The actual RBA request used a real person's name, which we do not publish here.

7. Listening to FOIL, June 2014: http://reinventalbany.org/reports/