



Michael McSweeney
The City Clerk, Clerk of the Council
Executive Office
141 Worth Street,
New York, NY 10013

September 27, 2017

Dear City Clerk McSweeney:

Reinvent Albany, New York Public Interest Research Group (NYPIRG), and Citizens Union are civic groups that advocate for open and transparent government. We have long advocated for making lobbying activity more transparent in the City of New York.

The City Council passed and Mayor Bloomberg signed Local Law 29 on December 17, 2013 which required the City Clerk's Office to make lobbying activity disclosed in its existing database more transparent. The expanded database was part of broader reform legislation, [Int. No. 1172 of 2013](#). That legislation was the culmination of a two year review of the lobbying laws by the New York City Lobbying Commission, which held 7 hearings between March and September 2011, and issued a final report in March 2013. NYPIRG and Citizens Union testified at most of those hearings and were very involved in shaping Local Law 29.

Local Law 29 requires the Clerk's existing lobbying database be modernized so it is

“searchable by, at a minimum, lobbyist name, client name, person or agency before which lobbying activities took place, and the local law number with year, bill number, resolution number, rule number, or other information sufficient to identify the matter on which lobbying has occurred.”¹

¹ See Section 3-221(b) of Subchapter 2 of Chapter 2 of Title 3 of the New York City Administrative Code.

The law further required the database be completed no later than December 17, 2015.² One year and eight months following the statutory deadline, and three years and eight months following the enactment of Local Law 29, the database envisioned by the law has not been established.

Reinvent Albany inquired about the status of the database in March 2017. It was told it would be completed imminently, but the Clerk's Office declined to preview the database with Reinvent Albany. Six months later it has still not been released.

Reinvent Albany then made a Freedom of Information Law (FOIL) request for the underlying data in the existing database in March 2017. The FOIL request was denied on the grounds the Clerk's Office could not extract the data in an aggregate manner, but could only provide individual lobbyist or client filings.³ Reinvent Albany appealed the FOIL denial in April, offering to provide technical assistance in extracting the information and was denied even though the New York State Public Officers Law, section 87, subdivision 5(a) states, "An agency shall provide records on the medium requested by a person, if the agency can reasonably make such copy or have such copy made by engaging an outside professional service..."

Reinvent Albany, NYPIRG and Citizens Union are disappointed the Clerk's Office has yet to meet the requirements of the law by not creating the database envisioned in statute by the legal deadline, and has rebuffed Reinvent Albany's efforts to make the information available through other means, or solicit input from stakeholders on the design or operation of the database it says will be completed soon.

We call on the Clerk's Office to complete the database as soon as possible and to, at the very least, preview the database with civic groups and the regulated community before it is released.

We welcome further conversation on this issue. Please contact Alex Camarda, Senior Policy Consultant at Reinvent Albany at alex@reinventalbany.org.

² See Section 35, the enacting clause of the law, which states, "subdivision (b) of section 3-221 of the administrative code of the city of New York, as added by section thirty of this local law, shall each separately take effect when the city clerk and the department of information technology and telecommunications have certified that the city clerk and department of information technology and telecommunications are capable of implementing such respective provision, or two years after the enactment of this local law, whichever is earlier."

³ The NYS Joint Commission on Public Ethics (JCOPE), by contrast, pro-actively makes all its lobbying and client lobbying information available in its entirety in a machine readable, downloadable form dating back 10 years. See: <http://www.jcope.ny.gov/datasets/datasets.html>.

Regards,

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