



## Sunshine Week Transparency Opportunities For the Governor and Legislature

Sunshine Week, the annual recognition of the importance of Freedom of Information Law (FOIL) and open government, is March 11th-18th.

This is the first Sunshine Week since the legislature and Governor Cuomo passed the FOIL “attorneys’ fees” law in December. That law makes it easier for people who sue for the release of public records to win attorneys fees when the judge decides in their favor.

Reinvent Albany, and dozens of New York State and national transparency groups, advocated for this important improvement but FOIL still needs to evolve to address changes in government activities and increasing volumes of records requests. Most importantly, agencies need to make more information available on their websites and respond faster and more completely to FOIL requests by journalists and the public. With this in mind, Reinvent Albany makes the following Sunshine Week recommendations:

- **Put Frequently Requested Records Online.** Governor Cuomo in his [State of the State](#) recommended “requiring proactive disclosure of certain records” by the executive branch. The Committee on Open Government (COOG) also supports proactive disclosure of records by leveraging technology. Reinvent Albany encourages executive agencies to do as directed by the Governor. We suggest each agency start by making the 10 most FOILED records available online in an agency “FOIL Reading Room” and the [State Open Data portal](#), and automatically updating the tabular data. These actions can be done administratively by agencies, or through an executive order from the governor or by legislation. It’s common sense that putting frequently FOILED types of records online will reduce burdens on state agencies while increasing transparency.
- **[Pass legislation clarifying FOIL procedures including making names and addresses of businesses available.](#)** The Assembly has passed, and the

Senate has advanced to third reading on the calendar, a bill which clarifies procedures for agencies in responding to records requests including that names of businesses should not be subject to the privacy exemption which applies to people and their residential addresses. This bill is supported by the Committee on Open Government (COOG) in its [annual report](#) and is poised for passage by the legislature during Sunshine Week.

- **Make government-affiliated not-for-profit organizations subject to the Freedom of Information Law (FOIL) and the Open Meetings Law.** There has been a tremendous proliferation of not-for-profit organizations affiliated with New York State and local governments carrying out government functions for the state and its many localities. These not-for-profit organizations are too often less transparent and accountable than government agencies in decision-making, contracting, and ethics policy and compliance. Meaningful legislation needs to be passed that subjects most not-for-profit organizations connected to government to FOIL and the Open Meetings Law.
- **Apply FOIL to the Legislature.** The Committee on Open Government (COOG) in its [annual report](#) recommended making the legislature subject to FOIL and the Open Meetings Law. Governor Cuomo in his [State of the State](#) said that “FOIL [should] apply equally to the Legislature.” Reinvent Albany recognizes Governor Cuomo, despite his reservations, rightly imposed greater transparency on executive agencies in signing the attorneys’ fees bill into law. It is now time for the legislature to, in turn, shine a light on itself by allowing for legislative FOIL. Local legislatures, like the New York City City Council and county legislatures, are already subject to FOIL and there is no reason the Senate and Assembly should be exempt. [State legislatures](#) in twenty three states are subject to FOI.
- **Apply FOIL to JCOPE and the LEC.** Governor Cuomo also recommended in his [State of the State](#) “both FOIL and the state's Open Meetings Law apply to both the JCOPE as well as the Legislative Ethics Commission.” [JCOPE has put forth its own recommendations for improving its transparency](#), and the legislature should review and consider it.