



**Testimony of Rachael Fauss, Reinvent Albany
To MTA Board
Regarding MTA Freedom of Information Law Process**

October 24, 2018

Good morning, I am Rachael Fauss, Senior Research Analyst for Reinvent Albany. We advocate for more transparent and accountable state government --- including for state authorities like the MTA.

We are here to follow up on correspondence yesterday from Reinvent Albany and 13 other groups recommending that the MTA overhaul its Freedom of Information Law (FOIL) process by creating an OpenFOIL portal for FOIL requests, and an in-house online portal for MTA police incident reports. Police incident reports currently make up two-thirds of all FOIL requests received by MTA agencies.

In addition to the letter, we also sent you a comprehensive report, FOIL that Works, which examines FOIL Logs from 2017 for each of the eight MTA agencies, and reviews best practices in New York and nationally. The report finds that despite some improvements to the MTA website and the publication of some additional data online, FOIL requests remain crucial for ensuring the MTA is transparent and accountable to the public. The MTA receives close to 9,000 FOIL requests a year. Unfortunately, it can take the public over a year to receive requested records from the MTA, responses are often incomplete, and tabular data is often sent in non-machine readable formats that

are costly and difficult to analyze.

The report also finds that the MTA lags badly behind other governments in New York and nationally. Our review of best practices includes recent reform at the Port Authority, which updated its open records policy in 2012 to created a web portal of all fulfilled records requests. We also examined efforts at the NYS DMV to create an online incident reports portal.

Pat Foye, current President of the MTA, and Board Member Scott Rechler were in leadership at the Port Authority when it enacted these important changes, and praised the effort, noting the importance of creating a more accountable and transparent institution. We hope that they can again show leadership at the MTA by taking the lessons they learned at the Port Authority to create a better FOIL process for MTA staff and the public.

Thank you for your consideration.