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Sunshine Week

Transparency Group Says 2017 Best Chance in Years to Pass Major Legislation Strengthening Freedom of Information Law

New York Representative of National Freedom of Information Coalition Calls for Passage of Two FOIL Bills

- A.2750A (Paulin) / S.2392A (Gallivan) ensures the public gets attorneys' fees when a court orders the release of government records.
- A.5854 (Schimminger)/ S.4775 (Boyle) clarifies that state-controlled non-profits are subject to FOIL.

Reinvent Albany, the New York representative of the National Freedom of Information Coalition (NFOIC), says the best thing Governor Cuomo and the legislature can do to promote transparency this Sunshine Week is to pass two bills that strengthen FOIL. The group also expressed support for some of the state's ongoing transparency initiatives and criticized recent moves that reduce transparency.

The groups say that while there are numerous ways for the state to improve transparency, two new bills are at the top of their list this legislative session.

A.2750A (Paulin) / S.2392A (Gallivan) says that in cases where an agency had no reasonable basis for denying access to public records, the agency has to pay the attorneys' fees to the member of the public that took them to court.

A.5854 (Schimminger) / S.4775 (Boyle) clarifies that state-controlled non-profits are subject to FOIL. Courts have held this to be true, but state-controlled non-profits, like scandal-plagued Fort Schuyler Management Corporation and Fuller Road Management Corporation, continue to assert that they are “voluntarily” complying with FOIL.

Groups praise some ongoing state transparency initiatives

Additionally, the groups noted that New York officials and agencies have a number of ongoing transparency initiatives worth praising, including:

- Governor Cuomo’s award winning OpenNY open data initiative and Open Budget
- Attorney General Schneiderman’s NY Open Government website
- Comptroller DiNapoli’s OpenBook website