

BetaNYC

Reinvent  
Albany.

CITIZENS  
UNION  
OF THE CITY OF NEW YORK

Common  
Cause  
New York  
Holding Power Accountable

LWW  
LEAGUE OF WOMEN VOTERS®  
OF NEW YORK STATE

National  
Freedom  
Of  
Information  
Coalition

New York Coalition



For Open Government, Inc.



NYPIRG  
NEW YORK  
PUBLIC INTEREST  
RESEARCH GROUP

November 25, 2020

NYS Committee on Open Government  
Department of State  
One Commerce Plaza  
99 Washington Avenue, Suite 650  
Albany, NY 12231

**VIA EMAIL**

Re: We believe the FOIL process in NYS is failing and COOG must work to fix this.

Dear New York State Committee on Open Government,

Our organizations support a robust Freedom of Information Law. We believe FOIL is the single most important tool available to the public to promote government transparency. Our groups collectively make large numbers of FOIL requests every year and have deep experience with the FOIL process and what works and does not work.

Among us are groups that have analyzed dozens of agency FOIL logs, tracked thousands of FOIL requests and spoken to numerous state and local FOIL officers.

We appreciate COOG's ongoing work to strengthen FOIL through legislation recommended in the COOG annual report and by issuing advisory opinions. This said, our groups feel great frustration at the overall FOIL process in New York State. The ugly reality is that information requested via FOIL frequently takes six months to a year to be provided, and delays of 18 months to two years are common. Worse, the information that is provided is often incomplete and not what was requested.

We note that these massive delays and endless wrangling with agencies far precede the COVID-19 epidemic.

There has been regular press coverage about massive FOIL delays and agencies arbitrarily withholding information, and we agree with the position articulated by COOG chair Franklin Stone that endless FOIL delays deeply undermine FOIL.

We strongly urge COOG to flag the issue of significant FOIL delays, incomplete compliance and improper denials in its 2020 annual report and to develop basic performance measurements to more objectively determine if agencies are complying with legal deadlines for providing information requested under FOIL. It is important to turn the overwhelming and widespread anecdotal reports of FOIL delays and denials that lack a basis in law into an accurate and detailed trove of research which can be used to identify areas where performance can be improved.

Sincerely,

John Kaehny  
Executive Director  
Reinvent Albany

Noel Hidalgo  
Executive Director  
BetaNYC

Betsy Gotbaum  
Executive Director  
Citizens Union

Susan Lerner  
Executive Director  
Common Cause New York

Laura Ladd Bierman  
Executive Director  
League of Women Voters New York State

Daniel Bevarly  
Executive Director  
National Freedom of Information Coalition

Paul Wolf, Esq.  
President  
New York Coalition for Open Government

Diane Kennedy  
President  
New York News Publishers Association

Blair Horner  
Executive Director  
New York Public Interest Research Group