



Opening New York 2022

Rating 70 State Agency Transparency Plans

What NYS agencies told the Governor they are doing to improve FOIL, Open Data, Open Meetings, and other basic transparency measures

March 2022

Introduction

On September 20, 2021, Governor Kathy Hochul [ordered](#) NYS executive agencies, public authorities and commissions appointed by the Governor to produce transparency plans highlighting what they are already doing and what they propose to do. 70 state agencies submitted plans to the Governor in October 2021, which were then published [online](#).

Reinvent Albany welcomes Governor Hochul's agency transparency plans, which can evolve into a powerful tool to accelerate positive change and hold laggard agencies accountable. New York State has been wracked by a seemingly endless series of high-level scandals, and increasing agency transparency will restore public confidence in their state government.

Governor Hochul's agency transparency plans are a fundamental first step for assessing what agencies need to do to comply with the Freedom of Information Law (FOIL), Open Data Executive Order and other mandates. If done well, the plans will also show the Governor and Legislature what else needs to be done to increase public access to state government information.

This report provides an independent assessment of the transparency plans, and how well they responded to the Governor's [directive](#). We also comment on notable agency plans, best practices and significant omissions.

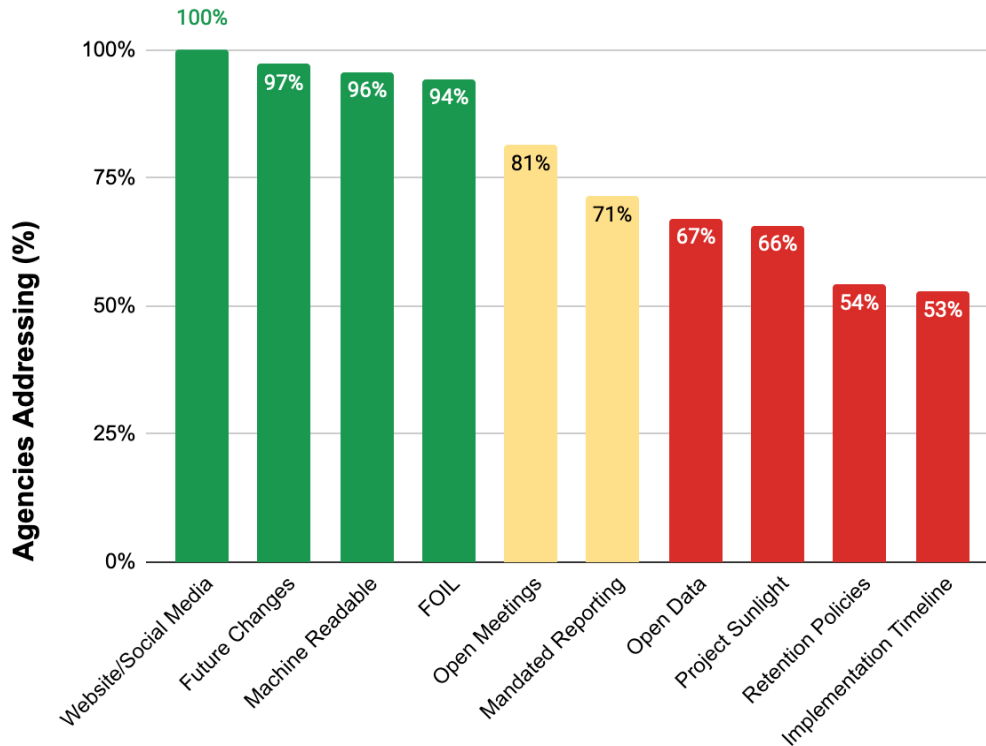
Executive Summary and Recommendations

Reinvent Albany reviewed transparency plans submitted by 70 state agencies, public authorities and commissions to the Governor's office. We used 10 criteria to evaluate the plans, which included whether they addressed compliance with major NYS transparency laws and initiatives: the Freedom of Information Law (FOIL), the Open Meetings Law, the Open Data Executive Order 95 of 2013, Project Sunlight, records retention policies, and mandated reporting requirements. We also looked at whether the plans include website and social media usage, are machine-readable, and if agencies proposed future improvements and implementation timelines. A summary of our broad findings is on the next page.

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As seen above, every agency addressed their website and social media usage. Unfortunately, the least met criterion was inclusion of implementation timelines or deadlines, with only 53% of agencies including this information. Inclusion of timelines is a key step towards making agencies accountable for their transparency pledges.

Some agencies released cursory plans, like the [State Board of Elections \(SBOE\)](#), which had a one page “plan” with no details or explanation. The [NYS Canal Corporation](#) plan and [addendum](#) included only four of ten criteria and omitted most of what the Governor asked for, with no mention of FOIL, open meetings, open data, record retention policies, or Project Sunlight.

The [Office of Information Technology Services \(ITS\)](#) ironically posted a transparency plan that was not machine readable.

Others like the [Department of Environmental Conservation \(DEC\)](#) and [Metropolitan Transportation Authority \(MTA\)](#) had more detailed plans, meeting 10 and 9 of the criteria, respectively. The MTA and DEC plans assessed current compliance with transparency laws and provided concrete details and timelines regarding changes they intended to make. A listing of criteria met by individual agencies is in [Appendix A](#).

The Governor’s own [Executive Chamber transparency plan](#) states that the Governor’s office will “create a single portal housing all of the deliverables and timelines for those deliverables to ensure that no constituent has to read all of the reports to understand the work.” To date, the portal of transparency plans has not been created by the Governor’s office.

Reinvent Albany Recommendations

1. **The Governor should mandate via Executive Order *annual* transparency plans**, requiring agencies to assess their progress made on prior plans.
2. **Annual transparency plans should include a checklist showing how well agencies comply with transparency mandates like FOIL and the Open Data Executive Order.** At a minimum, plans should be required to include:
 - a. **Freedom of Information Law FOIL compliance**, including:
 - i. annual FOIL caseloads (See [Appendix B](#) for FOIL caseloads reported in the October 2021 plans);
 - ii. metrics on open, closed and pending cases and the number of days related to each status; and
 - iii. data on types of requesters and categories of requests.
 - b. **Open Data compliance**, including number of datasets published on <http://data.ny.gov>, plans for publishing commonly FOILED data, and plans for automating and increasing data disclosure; and
 - c. **Open Meetings Law compliance**, including whether agencies are using [Reinvent Albany's preferred model of hybrid meetings](#), allowing the public and public officials to participate either remotely or in person.
3. **The Governor should publish the top three deliverables** from each agency transparency plan, as pledged in her own transparency plan.
4. **The Governor should fulfill a key commitment in her own transparency plan and ensure the Division of the Budget publishes discretionary, or “MOU” lump sum and capital appropriations** approved by the Budget Director that allocate legislative and executive funds in the budget.

Methodology and Assessment by Agency

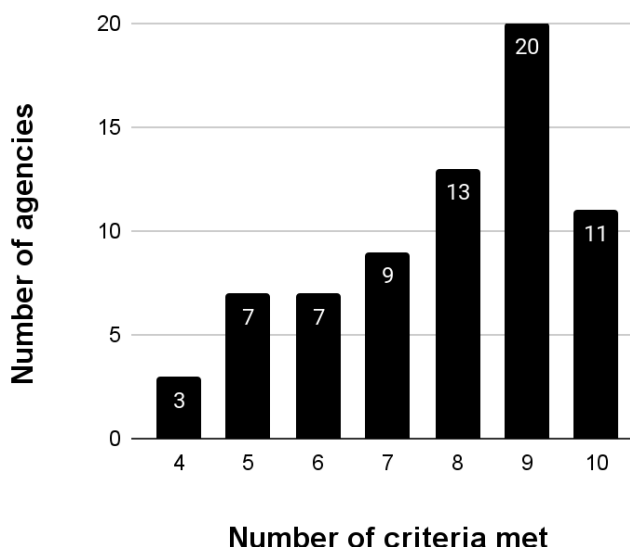
We reviewed agency transparency plans with particular emphasis on the areas of law and practice outlined by the Governor that could be addressed by the plans. We also examined whether agencies provided proposals for future changes and included deadlines or timelines. We note, however, that the Governor's memo did not mandate the inclusion of particular data, topics or recommendations in the agency plans.

Reinvent Albany evaluated the reports on the basis of ten criteria:

1. [Discussion or Freedom of Information Law \(FOIL\) compliance](#);
2. [Discussion of open data compliance](#);
3. [Discussion of public or open meetings](#);
4. [Discussion of publishing or meeting state mandated reporting requirements](#);
5. [Discussion of records retention policies](#);
6. [Use of bodies' websites or social media](#);
7. [Project Sunlight lobbying tracking compliance](#);
8. [Machine readability of the transparency plans](#);
9. [Proposals for future changes](#); and
10. [Inclusion of timelines or deadlines for action](#).

For this top level analysis, we didn't evaluate the quality or depth of the discussion on particular criteria, only whether the criteria was included or addressed at all by the agencies in their plans.

In total, 70 agencies produced transparency plans. Eleven provided discussion of all ten issues evaluated by Reinvent Albany. The most common number of criteria met was 9 out of 10, which 20 or 29% of agencies met. The median number of criteria was 8, and 37% of agencies (26 agencies) met fewer than this many of the criteria. For the number of criteria met by each agency, see [Appendix A](#), and the raw data of our assessment [here](#).



Assessment by Issue

Below is a summary of Reinvent Albany's assessment by issue, looking at the percentage of agencies that addressed each criterion.

Issue	Percent of agencies addressing
Website/ Social Media	100%
Propose future changes	97%
Transparency Plan is Machine Readable	96%
Freedom of Information Law (FOIL)	94%
Open Meetings	81%
Current State Mandated Reporting	71%
Open Data	67%
Project Sunlight Compliance	66%
Records Retention Policies	54%
Timeline for implementation	53%

On the following pages is a discussion of each criterion evaluated by Reinvent Albany, and how individual agencies responded or addressed it. This includes overall findings, common themes, and notable agency plans or best practices.

1. Freedom of Information Law (FOIL) Compliance

New York State's Freedom of Information Law (FOIL) is a landmark 1978 law that requires agencies to disclose public records when they are requested. For more on FOIL, see the [NYS Committee on Open Government's website about FOIL](#). See also Reinvent Albany's [reports and recommendations on FOIL](#).

Overall Findings

Mention of FOIL compliance was consistent across most agency transparency plans; 94.3% of agencies (66) addressed FOIL.

Less commonly included were agency FOIL caseloads – the total number of FOIL requests received in recent years, for example – which were provided by 31% of agencies (22). Most of these agencies reported approximate annual caseloads, although seven agencies noted exact caseloads in recent years. A full account of caseloads reported by each agency is available in [Appendix B](#).

Common Themes

Many transparency plans discussed proactively posting commonly requested information, both as a transparency measure and to minimize agency resources spent on processing individual FOIL requests. To identify suitable records, many agencies proposed reviews of past FOIL requests. Some pledged to make this an ongoing process through monthly or annual reviews of FOIL requests.

[Department of Financial Services \(DFS\)](#) noted in its plan that information in its database of DFS-supervised insurance producers is frequently FOILed, and proposed building a “more comprehensive, user-friendly interface” to the database to reduce FOIL burden.

Some agencies discussed record digitization in the context of FOIL. For example, the [Department of Environmental Conservation's \(DEC\) plan](#) proposed an agency-wide conversion to electronic records, which they said would improve the ease of responding to FOIL requests. [Roosevelt Island Operating Commission \(RIOCI\)](#) attributed increased FOIL efficiency and lower costs to an increase in digital records. Many agencies noted that they respond to FOIL requests via email and never charge for these requests. They charge only when requests require printing a large amount of paper.

Many agencies noted that they participate in the [Open FOIL NY](#) program, a standardized platform for submitting FOIL requests to participating agencies. Both [Office for the Prevention of Domestic Violence \(OPDV\)](#) and [Office of General Services \(OGS\)](#) noted an increase in FOIL requests since the advent of Open FOIL NY, including many requests for records they do not maintain. Multiple agencies cited staff limitations and confidential information that cannot be posted online as issues preventing better FOIL functioning.

Other common themes included:

- tracking or reviewing FOIL requests on a regular basis and prioritizing older requests;
- hiring additional FOIL staff and increasing FOIL training;
- updating subject matter lists which detail records that an agency maintains;
- updating directions for submitting FOIL requests;
- using social media to promote availability of FOIL; and
- featuring FOIL information prominently on agency websites.

Notable Agency Plans or Best Practices

Agencies proposed several platforms for sharing frequently FOILED information. Some agencies, including [New York State Energy Research and Development Authority \(NYSERDA\)](#) and [Olympic Regional Development Authority \(ORDA\)](#), proposed posting frequently FOILED information on Open Data NY; other agencies, such as [Public Service Commission \(PSC\)](#), suggested using agency websites, which would not be preferred for data, only narrative reports.

The [Department of Civil Service \(DCS\)](#) processes FOIL requests for free, unless a large amount of paper is required. DCS also participates in Open FOIL NY, and publishes frequently requested information on its website. DCS is conducting an analysis of past FOIL requests with the goal of posting additional frequently requested information online, which they commit to completing by April 2022.

2. Open Data

Under [Executive Order 95 of 2013](#), state agencies and authorities and other bodies appointed by the Governor are required to publish public data on <http://data.ny.gov>, the state's open data portal (Open NY). The EO's signing marked an important shift in the way government information is shared with the public – instead of requiring the public to request information through FOIL, public data is now required to be proactively disclosed. For more information about Open NY, see a [program overview](#) from the Office of Information Technology Services.

Overall Findings

47 reports (67.1%) included mention of open data.

Common Themes

Many agencies mentioning open data in their transparency plans noted the number of data sets they maintain or listed specific datasets hosted on Open NY. Some agencies noted the frequency at which they update published datasets, for example [State Liquor Authority \(SLA\)](#) mentioned that they often update their datasets daily. The [Office of Temporary and Disability Assistance \(OTDA\)](#) notes that the agency formalized data publication by establishing a schedule for when to produce and upload machine publishable data to Open NY.

Another common theme among agencies was a commitment to identifying and uploading additional datasets. In some cases, agencies noted specific datasets they plan to upload. For example, the [Department of Health \(DOH\)](#) includes a roadmap of additional datasets to upload, such as final audited Institutional Cost Reports, datasets that underlie analyses in DOH reports, and additional COVID datasets. Some agencies detailed plans for continuing to upload to Open NY on a regular basis, such as [New York State Office for the Aging \(NYSOFA\)](#), [Office of Addiction Services and Supports \(OASAS\)](#) and [Office for People With Developmental Disabilities \(OPWDD\)](#), which noted current or planned practices of uploading data annually.

Agencies proposed several methods for increasing the visibility of Open NY, including linking to it from agency websites. In order to support open data work, several agencies noted recent or planned hires of additional staff.

Notable Agency Plans or Best Practices

In May 2021, the New York State Comptroller's Office completed an [audit](#) of DEC's compliance with EO 95. The report made two recommendations: that DEC should create a catalog of publishable data, and should take further measures to ensure data reliability and usability. [DEC's transparency plan](#) addressed these recommendations by committing to the following over the next year:

- *Developing a catalog of publishable data;*
- *Working to identify datasets when new information is published on DEC's website, including the addition of prohibited and regulated invasive species list, as well as adding data on forest conservation easements for land trusts;*
- *Working to automatically update data sets in real time;*
- *Creating a training seminar to educate DEC staff on the Open Data process; and*
- *Publicizing new Open Data datasets in DEC's online newsletters.*

Publishing and maintaining data can be a resource intensive process. In light of this, the [Department of Transportation's \(DOT\) plan](#) discusses automating data upload to Open NY. While they currently share data on the platform and update it as required, the report noted that they are investigating how to automatically upload data digitally to Open NY.

Additionally, because of Governor Hochul [signing the MTA Open Data Law in October 2021](#), the MTA has renewed its efforts to publish data on Open NY. The [MTA's transparency plan](#) includes the new timelines required in the law, and their intention to create a data catalog and schedule for posting data on Open NY in the next three years. The plan also includes a number of specific deliverables, including posting Board Book data in machine-readable formats.

3. Open Meetings

The New York State Open Meetings Law was enacted to ensure public access to government meetings at which important decisions are made by public bodies. For more information about the law, see the [Committee on Open Government's website](#).

In recent years due to the COVID-19 pandemic, public meetings that were previously held in-person have increasingly been conducted remotely. Reinvent Albany [supports requiring public meetings be conducted in a hybrid format](#), allowing both in-person and remote access.

Overall Findings

57 transparency plans (81.4%) mentioned open meetings. This includes some agencies which are not public facing simply noting that they are not required to hold open meetings.

Common Themes

Many transparency plans mentioned publicly posting advance notice of public meetings, in addition to meeting materials such as agendas and other documents required for meetings. Some agencies were explicit about their schedule for posting meeting materials, or noted they comply with or exceed Open Meetings Law requirements. For example, the [Office of Mental Health \(OMH\)](#) noted that agendas and other relevant documents for Most Integrated Setting Coordinating Council (MISCC) meetings are posted two weeks in advance of meetings. This period is much shorter for some agencies, such as [Division of Budget \(DOB\)](#), which note plans to create a landing page for boards the Director serves on, with links to board materials posted 24 hours before meetings. Still, other agencies such as [Workers Compensation Board \(WCB\)](#) noted posting agendas when meetings are held, or did not address their timelines for posting agendas.

Agencies discussed a variety of platforms for attending or viewing meetings remotely, including joining via Zoom or WebEx, watching live streams, watching arced meeting audio and video recordings, or reading meeting minutes and transcripts that are posted online. Some agencies mentioned switching to virtual meetings due to COVID-19, and their plans to continue with remote meeting options.

Several agencies noted that board member lists and/or contact information was available.

Notable Agency Plans or Best Practices

The [Metropolitan Transportation Authority's \(MTA\) transparency plan](#) noted that the MTA allows for virtual, phone, and in-person testimony at Committee and Board meetings, which are livestreamed and recorded for later viewing. Public comment is required by law at its Committee and Board meetings, and the MTA has facilitated hybrid meetings, with live remote and in-person public comment.

[DCS's Civil Service Commission](#) regularly holds open meetings (though DCS itself does not). Meeting dates are posted annually, which exceeds the legal requirement. At least 48 hours before meetings, the Commission posts agendas of what will be discussed. Additional informational materials are posted online to provide context for the public. DCS pledged to complete a review of additional materials to include with agendas by December 2021. Meetings are livestreamed and video archives are available on the agency website.

4. Mandated Reporting

Under state law, there are dozens, if not hundreds, of requirements for reports to be released by state agencies. These range from annual reports to regular performance reports to one-off reports that study a particular issue. Unfortunately, many of these reporting requirements are not followed, as noted by a 2021 [study of reporting requirements](#) by the State Senate. Agencies are also required under the [NYS Printing and Publications Law](#) to send certain reports mandated by law, like annual reports, to the State Library.

Overall Findings

Fifty transparency plans (71.4%) mentioned mandated reporting (including required reports, statutorily required reports, or any mention of annual reports).

Common Themes

Many agencies addressing mandated reporting noted that copies of reports are available on agency websites. Across agencies, annual reports were commonly mentioned. Some agencies also noted dates that reports are due/published, reminders and other means of ensuring reports are submitted on time, and efforts to increase report visibility including social media posts.

Several agencies proposed reviewing reporting requirements with the goal of streamlining the process of completing the reports and/or making them publicly available.

Notable Agency Plans or Best Practices

[DOB's transparency plan](#) notes that they post “numerous statutorily required reports and others” on their website. The document outlines the 8 reports they post, and the dates when they are posted. Beyond what is currently required, DOB intends to publish all plans for discretionary lump sum appropriations and capital appropriations approved by the Budget Director that allocate legislative and executive contained in the Enacted Budget.

[DCS](#) maintains a list of mandated reporting, and publishes most reports to the agency website. In its transparency plan, the agency pledges to review public requests for information included in mandated reports, and increase the accessibility of that information on the agency website. DCS plans to complete the review by March 2022.

[Department of Tax and Finance's \(DTF\)](#) report is notable for their mention of Open Data in relation to mandated reporting. Specifically, the agency stated that they routinely publish required statistical reports to Open Data NY.

5. Records Retention Policy

The NYS State Archives issues policies related to the retention and disposition of records for state and local governments. State agencies are required to abide by their [schedules and guidance](#) in maintaining and preserving their government records.

Overall Findings

Just 38 of agencies (54.3%) mentioned records retention in their reports. This was the second least met criterion reviewed by Reinvent Albany.

Common Themes

Many agencies addressing records retention noted working with the State Archives to ensure timely transfer of records. The [Workers Compensation Board \(WCB\)](#) noted that they communicate with the State Archives specifically to consult about destroying records that could be of historical significance.

Agencies addressing records retention generally noted compliance with existing retention policies and schedules. Some agencies proposed reviews and changes to records retention policies and schedules, or noted updates in recent years.

Common themes across reports included plans to update training programs for agency staff on retention policies, records digitization efforts, and mention of dedicated staff that manage records retention and train other staff.

Notable Agency Plans or Best Practices

In its plan, the [Department of Civil Service \(DCS\)](#) notes compliance with existing records retention schedules. In addition, the report describes the following ongoing efforts:

- *The RMO [records management officer] is currently working to develop a new record series for records created to administer the Paid Family Leave program that is currently available to certain State employees.*
- *Additionally, the Department has initiated a review of policies and procedures related to the storage and disposition of records. These two projects are expected to be completed by October 2022.*
- *Longer term improvements planned by the Department's management involve design and implementation of a Human Resources Management System (HRMS).*

[NYSERDA's plan](#) notes a recent update to retention schedules, current efforts to develop retention policies for digital records, and plans to conduct more training sessions.

[DEC's plan](#) highlights implementing a Document Management Service for managing and automating records retention tasks, which is scheduled for 2022.

6. Website/Social Media

Overall Findings

All agencies' transparency plans mentioned their use of social media or agency websites.

Common Themes

Many agencies addressed website redesigns, either recent or planned. These redesigns tend to focus on modernization, reorganization for easier, more intuitive browsing, and improved accessibility. Some plans discussed improvements to the searchability of information, for example the [Industrial Board of Appeals](#) noted their goal of improving searchability of decisions by the board and posted on their website by allowing litigants and the general public to search by topic or issue.

Some agencies proposed adding new sections to their websites, with a focus on transparency. For example, the [Division of the Budget \(DOB\)](#) proposed a public facing website for tracking performance, which could include a mix of infographics, charts, dashboards and statistics based on strategic plans, program inventories, State and Federal audit documentation and other deliverables from other agencies. DOB also proposed adding new data.

As a metric for the audience reached by website and social media presence, some agencies noted the website traffic, or the size of their following on social media.

Notable Agency Plans or Best Practices

The [Empire State Development Corporation's \(ESD\) transparency plan](#) noted that its website features over fifty annual and quarterly reports, and information on agency leadership, governance, policies, board meetings, and contacting the agency. Regarding future plans, ESD committed to adding a transparency landing page which will include links to Open Data that it will promote through social media.

7. Project Sunlight

The current [Project Sunlight](#) was created in the [Public Integrity Reform Act of 2011](#), which also established the Joint Commission on Public Ethics. It is a public database of "appearances" of private individuals before state government officials, including by lobbyists and those seeking business with the state. These appearances are logged by state government officials in those meetings.

Overall Findings

Forty-six agencies (65.7%) mentioned Project Sunlight, including some which noted that meetings rarely require entry to the database. While most agencies mentioning Project Sunlight say they comply with its reporting requirements, [Battery Park City Authority](#)

[\(BPCA\)](#), [Jacob Javits Convention Center](#), and [ORDA](#) found in their reviews that staff had not been submitting appearances to the Project Sunlight database.

Common Themes

Discussion of Project Sunlight focused on training staff on reporting requirements, including increasing training frequency and availability of training materials, improved tracking of which individuals have been trained, and updating lists of covered staff. Some agencies discussed regularly scheduled trainings, such as [DOT](#) which currently trains staff twice annually, or [OMH](#), which proposed conducting annual trainings.

Other frequently cited measures for ensuring Project Sunlight compliance were regularly reminding covered staff about reporting requirements and regular reviews and updates to Project Sunlight policies.

[ESD](#) noted the Project Sunlight exception that phone meetings are not required to be reported, an exception they said should be eliminated. While phone meetings are not covered, video conference meetings are, and must be reported. The report by [Office of Temporary & Disability Assistance \(OTDA\)](#) discussed virtual meetings, noting ongoing work to develop a method that ensures they are reported as required.

Notable Agency Plans or Best Practices

[DFS's](#) transparency plan includes one of the more thorough sections addressing Project Sunlight. The report lists existing Project Sunlight compliance measures, including having designated staff for reporting covered appearances and posting training materials, Project Sunlight FAQs, and its internal compliance plan on the agency's intranet. Pre-pandemic, DFS requested a quarterly report on Project Sunlight from responsible staff, which included metrics on whether employees needed training, the number of appearances reported, and compliance with requirements. DFS commits to resuming this practice, and will also consider adding to the training materials available on its intranet and sending staff automatic regular reminders about reporting requirements.

8. Machine readability of transparency plans

One simple criterion evaluated by Reinvent Albany was whether the plans were machine readable, which is considered a best practice for PDF documents. Machine readable documents have the advantage of being searchable, making it faster to find key information – which is particularly relevant for transparency. Additionally, machine readable PDFs are externally searchable by web search engines.

Of the 70 agencies, 67 (95.7%) shared their transparency plans as machine readable PDF files. The remaining three agencies ([ESD](#), [Jacob Javits Convention Center](#), and [Office of Information Technology Services](#)) provided scanned PDF image versions of their plans.

9. Future changes

The transparency plans we reviewed were drafted in response to Governor Hochul’s directive to review existing practices and make plans with new measures for increasing transparency. The vast majority, 68 of the 70 agencies (97.1%), proposed future changes in addition to noting current practices. The remaining two agencies, [Division of Military & Naval Affairs](#) and [DOT](#), simply listed current transparency measures in their reports without stating what improvements they intended to make.

10. Timelines or deadlines

Of the agencies that proposed improvements, 37 (52.8% of all agencies) included target deadlines on at least one of their proposals. This is the criterion that was met the least by agencies in Reinvent Albany’s review.

Reports varied in the format and specificity of deadlines, as well as the number of proposals including deadlines.

A particularly clear method for presenting future transparency initiatives and deadlines was including a table or list of transparency action items with dates. For example, the [Department of Labor \(DOL\)](#) included a table in an appendix with the projected quarter for completing each action item (see at right), making it easy to monitor the agency’s progress towards meeting its transparency goals. DOL coupled this table with narrative descriptions with context and details about each of its action items. The [MTA’s plan](#) also provided a table with timelines and metrics for plan items. Like DOL, [NYSERDA](#) includes a table with action items and expected timelines. However, this table simply lists efforts as “Ongoing” or “Estimated 2022.”

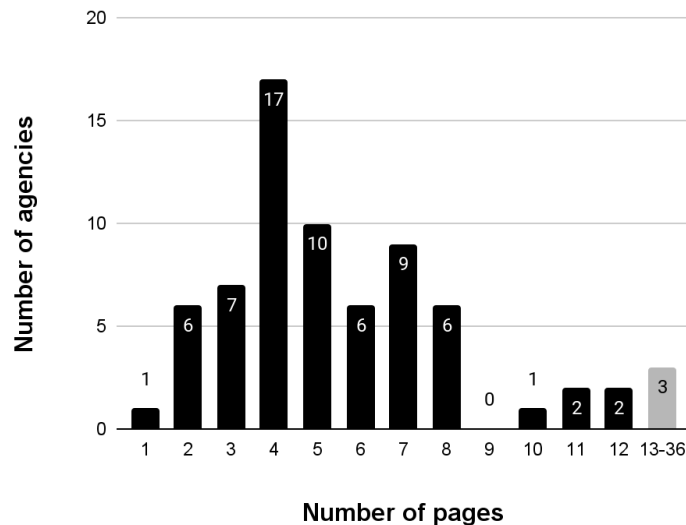
Action Items	Q4 2021	Q1 2022	Q2 2022	Q3 2022	Q4 2022
Link to external data sets & other information from NYSDOL site					
Post Excel spreadsheet with initial claims data					
Publish more interactive dashboards for public use					
Transform the NYSDOL website					
Adopt Open FOIL					
Push Gov Delivery Notifications for new data/research products					

In addition, some agencies noted metrics they would monitor to track progress on transparency, for example number of FOIL requests (See [Appendix B](#) for this data), website views, or attendance at public meetings.

Notable Transparency Plans - Overall Content and Length

Reports varied widely in comprehensiveness, despite all being responses to the same directive from Governor Hochul.

We also documented the page length of each transparency plan, which may serve as a simple metric to compare the comprehensiveness of reports. Most reports were between 2-8 pages. [DEC](#), [DOB](#), and [NYSERDA](#) had the longest reports at 36, 21, and 18 pages, respectively. These reports were also among the stronger reports.



Unfortunately, one of the regularly maligned agencies in the state had the shortest report: the [State Board of Elections \(SBOE\)'s transparency plan](#) was a single page. While the SBOE managed to address 9 of the 10 criteria evaluated by Reinvent Albany, it was extremely cursory, and they simply stated they were meeting current requirements in law without providing any discussion of how. The SBOE also failed to include any timelines or deadlines for their two proposed changes: posting documents required for meetings open to the public at the same time the agenda is posted, and using social media handles including more regularly regarding upcoming election deadlines.

In contrast, the [Department of Environmental Conservation's \(DEC\) transparency plan](#) thoroughly addressed all ten criteria, with descriptions of both current measures and proposed improvements. The plan details a number of proposed improvements to improve their handling of FOIL requests, including digitizing records and managing records through specialized software, and adding dedicated FOIL staff. Approximate FOIL caseloads are provided for each year between 2016 and 2021 – consistent with the report's overall inclusion of metrics. The focus on digitization extends to Mandated Reporting and Retention Policies, where DEC proposes implementing digital methods predicted to streamline reporting and records management requirements. Regarding public meetings, DEC notes the impact of the COVID-19 pandemic, which spurred the agency to begin hosting virtual meetings via WebEx and YouTube.

As described in the [open data section](#) of this report, DEC's plan is particularly thorough in its discussion of open data. DEC also notes plans to improve data access through its own website as well, by improving the searchability of posted reports, georeferencing PDF maps, and uploading additional data sources.

The [Canal Corporation's transparency plan](#) is among the weakest. The plan does address existing transparency efforts and commits to seven additional transparency measures. However, the majority of the points outlined by Governor Hochul are omitted – there is no mention of FOIL, open meetings, open data, retention policies, or project sunlight. In addition, the plan is focused more on public engagement and providing information about the issues and programs Canal Corporation works on, rather than increasing transparency about the internal functioning of the agency.

See below a comparison of the DEC and Canal Corporation plans.

Criteria	Department of Environmental Conservation (DEC)	Canal Corporation (Plan, and Addendum)
Number of pages	36	3
Machine Readable	Y	Y
FOIL Mentioned	Y	N
Open Meetings Mentioned	Y	N
Open Data Mentioned	Y	N
Current <i>State</i> Mandated Reporting Mentioned	Y	Y
Retention Policies Mentioned	Y	N
Website/ Social Media Mentioned	Y	Y
Project Sunlight Compliance Mentioned	Y	N
Propose Future Changes	Y	Y
Timeline for Implementation	Y	N

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Appendix A

See also the raw data for each agency and the individual criteria they met [here](#).

Agency	Number of Criteria Met
Canal Corporation	4
Division of Homes & Community Renewal (HCR)	4
Industrial Board of Appeals	4
Division of Human Rights (DHR)	5
Division of Military & Naval Affairs (DMNA)	5
Governor's Office of Storm Recovery (GOSR)	5
New York Power Authority (NYPA)	5
Office of Renewable Energy Siting (ORES)	5
Public Employment Relations Board (PERB)	5
Veterans' Services	5
City University of New York (CUNY)	6
Council on the Arts (NYSCA)	6
Gaming Commission	6
Lake George Park Commission	6
Long Island Power Authority (LIPA)	6
Office for the Aging (NYSOFA)	6
Roosevelt Island Operating Corporation (RIOC)	6
Council on Children and Families	7
Department of Labor (DOL)	7
Division of State Police (SP)	7
Dormitory Authority (DASNY)	7
Executive Chamber	7
Higher Education Services Corporation (HESC)	7
Office of Alcoholism & Substance Abuse Services (OASAS)	7
Office of Medicaid Inspector General (OMIG)	7
Thruway Authority	7
Department of Financial Services (DFS)	8
Department of Health (DOH)	8
Department of State (DOS)	8
Department of Transportation (DOT)	8
Division of Budget (DOB)	8
Division of Homeland Security & Emergency Services (DHSES)	8
Empire State Development Corporation (ESD)	8
Office of Children & Family Services (OCFS)	8

Agency	Number of Criteria Met
Office of Information Technology Services (ITS)	8
Office of Parks, Recreation & Historic Preservation (OPRHP)	8
Office of Temporary & Disability Assistance (OTDA)	8
Unemployment Insurance Appeals Board	8
Workers Compensation Board (WCB)	8
Adirondack Park Agency (APA)	9
Battery Park City Authority (BPCA)	9
Board of Elections (BOE)	9
Bridge Authority	9
Department of Agriculture and Markets	9
Department of Corrections & Community Supervision (DOCCS)	9
Department of Tax and Finance (DTF)	9
Division of Criminal Justice Services (DCJS)	9
Environmental Facilities Corporation (EFC)	9
Hudson River Park Trust (HRPT)	9
Hudson River Valley Greenway (HRVG)	9
Jacob Javits Convention Center	9
Justice Center	9
Metropolitan Transportation Authority (MTA)	9
Office of Mental Health (OMH)	9
Office of Victim Services (OVS)	9
Offices of the Inspector General (OIG)	9
State Commission of Corrections (SCOC)	9
State Insurance Fund (SIF)	9
State Liquor Authority	9
Department of Civil Service (DCS)	10
Department of Environmental Conservation (DEC)	10
Department of Motor Vehicles (DMV)	10
Department of Public Service Commission (PSC)	10
Energy Research & Development Authority (NYSERDA)	10
Governor's Office of Employee Relations (GOER)	10
Hudson River Black River Regulating District (HRBRRD)	10
Office for People With Developmental Disabilities (OPWDD)	10
Office for the Prevention of Domestic Violence (OPDV)	10
Office of General Services (OGS)	10
Olympic Regional Development Authority (ORDA)	10

Appendix B - FOIL Caseloads Reported by Agencies

Agency	Annual FOIL caseload	Notes
Bridge Authority	6	Cases in 2018
	9	Cases in 2019
	24	Cases in 2020
	8	Cases in 2021 to October 20
Department of Civil Service (DCS)	163	Cases in 2021 to October 18
Department of Environmental Conservation (DEC)	14,000	Cases in 2016
	14,500	Cases in 2017
	15,000	Cases in 2018
	17,000	Cases in 2019
	14,000	Cases in 2020
	13,000	Cases in 2021 to September 30
Department of Financial Services (DFS)	1,400	Approximate annual count
	1,256	Cases in 2021 to October 20
Department of Health (DOH)	6,000 to 7,200	Approximate annual count
Department of Motor Vehicles (DMV)	3,500	Approximate annual count
Department of State (DOS)	2,000	Nearly this many requests annually
Department of Tax and Finance (DTF)	805	Cases in 2020
	605	Cases in 2021 to October
Department of Transportation (DOT)	6,000	Expected cases in 2021
Division of Criminal Justice Services (DCJS)	40	Approximate annual count. They note that there are approximately 400 requests for data annually, of which approximately 90% are handled without FOILs.
Environmental Facilities Corporation (EFC)	21	Cases in 2018
	18	Cases in 2019
	45	Cases in 2020
	20	Cases in 2021 to October 20
Hudson River Park Trust (HRPT)	30 to 40	Approximate annual count
Jacob Javits Convention Center	75	Approximate annual count
Lake George Park Commission	10	Less than this many requests annually
Metropolitan Transportation Authority (MTA)	9,100	Projected caseload estimate for 2021

Agency	Annual FOIL caseload	Notes
Office for People With Developmental Disabilities (OPWDD)	200	Approximate cases in 2020
	161	Cases in 2020 to October
Office of Parks, Recreation & Historic Preservation (OPRHP)	600 to 700	Approximate annual count
Office of Temporary & Disability Assistance (OTDA)	313	Cases in 2020
	288	Cases in 2020 to October
Office of Victim Services (OVS)	60 to 80	Approximate annual count
Offices of the Inspector General (OIG)	123	Cases in 2019
	69	Cases in 2020
	41	Cases in 2021 to October 18
Olympic Regional Development Authority (ORDA)	58	Average requests over past two years
Workers Compensation Board (WCB)	489	Cases in 2021 to September 1