



MEMO OF SUPPORT

[S3502-A \(Skoufis\) / A6103-A \(Paulin\)](#)

Eliminates FOIL exemption for consultant reports

March 29, 2024

TITLE OF BILL

An act to amend the public officers law, in relation to requiring inter-agency records prepared by an outside consultant at the behest of an agency to be subject to FOIL disclosure.

SUMMARY OF PROVISIONS

Section 1 amends Public Officers Law §87(2)(g) to add a new subparagraph (v) adding reports prepared at the behest of an agency to the list of inter- or intra-agency records that are not exempt from disclosure. An exception is made for records otherwise exempt from disclosure when prepared by the agency itself.

Section 2 states that the bill takes effect immediately.

STATEMENT OF SUPPORT

Reinvent Albany supports this legislation because taxpayer-funded reports should be accessible to the public.

Because of FOIL's "inter-agency" exemption, consultant reports commissioned by agencies and paid for by taxpayers are not currently subject to disclosure. When Erie County commissioned a report on the Buffalo Bills stadium in 2022, the upstate news organization Investigative Post FOILED the report, was denied, then was able to attain parts of the report [after a judge ordered them to be disclosed](#). But none of this should have been necessary – the state should have disclosed the report immediately.

This bill will amend FOIL to make consultant reports available to the public. We urge the Legislature to pass the bill, and the Governor to sign it.