



## MEMO OF OPPOSITION

### [S5500-B \(Skoufis\) / A6146-B \(Buttenschon\)](#)

*Requires government agencies to notify public employees if their disciplinary record is disclosed under FOIL*

September 3, 2024

#### **TITLE OF BILL**

An act to amend the public officers law, in relation to the disclosure of public employee disciplinary records.

#### **STATEMENT OF OPPOSITION**

Our groups oppose this bill because we believe it will reduce transparency.

This bill adds an unnecessary administrative layer to NY's FOIL process by requiring agencies to notify public employees whose disciplinary records are disclosed. FOIL in NY is already broken in part because state and local agencies are overwhelmed by the volume of records they receive, and FOIL units barely kept afloat by underfunded skeleton crews. This bill's requirement that agencies locate a public employee's contact information, reach out to the employee, and notify them of the record disclosure will create more work for agency FOIL staff and result in greater delays to a FOIL process already at the breaking point. This bill is a classic unfunded mandate that will undermine FOIL.

We are also concerned that this bill could have a chilling effect on transparency, as requesters may be hesitant to FOIL disciplinary records if personnel, especially armed

police, are directly notified of the request. Currently, agencies are required to disclose FOIL logs, which include the name of individuals requesting records in addition to the type of record requested. We believe this level of transparency for requests is sufficient.

We urge the Governor to veto the bill.

### **SUMMARY OF PROVISIONS**

Section 1 adds a new subdivision 6 to Public Officers Law §87 providing that agencies shall develop a policy for informing employees when their disciplinary record is disclosed under the Freedom of Information Law.

Section 2 states that the bill takes effect immediately.