



MEMO OF SUPPORT

S67 (Skoufis)

Clarifies FOIL regarding redactions

February 19, 2025

TITLE OF BILL

An act to amend the public officers law, in relation to permitting records required to be disclosed under the freedom of information law [FOIL] to have exempt parts of such documents be redacted before disclosure.

STATEMENT OF SUPPORT

Reinvent Albany strongly supports this bill, which was drafted by the Committee on Open Government (COOG), because it addresses recent erroneous decisions by the First Department of the NY Appellate Division.

In September 2024, the Committee on Open Government [issued an advisory opinion](#) stating that the First Department had misinterpreted FOIL in four recent decisions. In those decisions, the First Department had found that when an agency redacts part of a record in response to a FOIL request, the agency may withhold the entire record.

As COOG points out, this misinterprets both FOIL and court precedent. In its advisory opinion, COOG wrote that agencies:

...may withhold the record if disclosure “would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eighty-nine of this article” (POL §87(2)(b)), but that “disclosure shall not be construed to constitute an unwarranted invasion of personal privacy . . . when identifying details are deleted” (POL § 89(2)(c)(i)).

[In their 2024 draft report](#), COOG proposed language to address this misinterpretation of the law. This language forms Section 1 of this bill.

We urge the Legislature to pass the bill, and the Governor to sign it.

SUMMARY OF PROVISIONS

Section 1 amends Public Officers Law §87(2) to clarify that when a record contains portions that may be denied in a response to a FOIL request, the agency may redact or withhold those portions, but shall disclose the remaining portions.

Section 2 states that the bill takes effect immediately.