NYC Government Flouting Freedom of Information Law

Reinvent Albany

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New Report Shows FOIL Requests and Delays Skyrocketing:
NYC Gets Roughly 170,000 FOIL Requests a Year

16% of FOIL Requests Still Open After a Year

April 2025

Executive Summary

New York City's Freedom of Information Law (FOIL) process needs a major overhaul. Despite improvements made a decade ago to create the current OpenRecords portal, agencies are not keeping up with the number of requests coming in, and some don't even use the portal to manage FOIL requests. Additionally, some agencies do not publish records that they have released via FOIL for all to see, possibly leading to redundant requests.

Major Findings

While it's much easier for the public to submit and track FOIL requests in New York City, the public must still wait months – or sometimes years – for agencies to provide them with the public records they requested. In fact, 16% of the FOIL requests submitted in 2024 were still open a year later! Data from the OpenRecords portal strongly suggests that response times are slowing, and we believe this is because agencies have not increased staffing and spending despite increased demand. Nor have agencies or the City adopted new policies or laws that help them deal with the deluge of requests. More than half a million requests have been logged on the NYC OpenRecords portal during its decade in operation.

NYC Government Received an Estimated 170,000 FOIL Requests in 2024

Agency experts within New York City government told Reinvent Albany they believe the OpenRecords portal is processing about half of all FOILs, which suggests New York City received about a million FOIL requests over the last ten years and roughly 170,000 FOIL requests in 2024.

Volume of OpenRecords Requests is Increasing, While Processing Time is Slowing
- In 2024, more than 85,000 FOIL requests were filed on the OpenRecords portal. This is up from about 41,000 requests filed on the portal in 2018. (Note that requests are still submitted outside of the portal.)
- The agencies that received the most requests on the portal in 2024 are:
  - New York Police Department (NYPD) - 37,537 (16% of all FOIL requests);
  - Fire Department of New York (FDNY) - 11,566 (12% of all FOIL requests); and
  - Department of Transportation (DOT) - 7,335 (8% of all FOIL requests)
- In 2024, 16 percent of the requests submitted using the portal were still open one year after their creation, making 2024 the second slowest year of the past six for FOIL responses.

Leaders and Laggards
- Super fast to close requests (on average):
  - Department of Records and Information Services (DORIS) - 9 days
- The fastest *major* agencies to close requests (on average):
  - Small Business Services (SBS) - 11 days
  - Law Department - 13 days
- The slowest *major* agencies to close requests (on average):
  - The Department of Corrections (DOC) - 485 days
  - The Mayor's Office - 283 days

Reinvent Albany Recommendations
- **The City Council should pass, and the Mayor sign, [legislation by Councilmember Gale Brewer](#) that codifies and expands the OpenRecords portal.**

- **As part of its oversight function, the City Council should evaluate agencies' FOIL compliance,** using the questions identified in this report to guide discussion about agencies' use of the OpenRecords portal.

Introduction

In 2014, then-mayor Bill de Blasio quashed a concerted push by advocates and [NYC Council](#) to pass legislation intended to dramatically improve agency compliance with the state Freedom of Information Law (FOIL). As part of the resulting compromise with City Council, the Department of Records and Information Services (DORIS) and the Department of Information Technology and Telecommunications ("DOITT", which is now the Office of Technology Services or "OTI") created a web-based, open source processing platform for the public and agencies to use to submit and process FOIL requests.

Ten years on, there are 55 New York City agencies using the [OpenRecords](#) portal, which has logged more than a half a million FOIL requests as of the writing of this report. Despite agencies having access to much faster and more effective technology, most are not keeping up with the number of requests coming in, and some are so poorly managed they still do not use the time-saving platform.

Agency experts within New York City government told Reinvent Albany they believe the OpenRecords portal is processing only about half of all FOILs, which suggests New York City received about a million FOIL requests over the last ten years, and roughly 170,000 FOIL requests in 2024.

While OpenRecords is modeled on software developed by Code for America that enables a "release to one, release to all" policy, in practice, many agencies do not publish records that have been repeatedly FOILed and laboriously disclosed to individual members of the public.

Reinvent Albany's analysis of data from the NYC OpenRecords portal shows that New York City agencies are swamped with FOIL requests, and agency responses are so slow that few if any agencies are even close to complying with legal deadlines. Worse, getting public records is taking longer and longer, and 16% of the FOIL requests submitted in 2024 were still open a year later!

Fulfilled Records Requests Not Routinely Published for All

Despite New York City's excellent open data program – which has improved over time with [Local Law 7 of 2016 and Local Law 244 of 2017](#) that require agencies to review FOIL requests for datasets that could be published as open data – too many records that have been released via FOIL are still not being published by the City.

There is currently no way to view a full catalog of records that have been publicly posted to the portal. A targeted review of fulfilled requests for two categories of public records yielded few results:

- For example, of the 46 closed FOIL requests for **organizational charts** from 2018 2024, records were only published by 4 out of a total of 24 agencies

receiving requests: [NYC Office of Emergency Management](#) (which published records in two separate FOIL requests), [Department of Investigation](#), the [Mayor's Office](#), and [Department of Records and Information Services](#). Nine of these requests were denied, but there was not sufficient information published allowing us to determine why.

- Additionally, of the 41 closed FOIL requests for **calendars** of public officials (including high-ranking individuals like the mayor) or agency events from 2018 to 2024, files were only published by 1 out of a total of 10 agencies receiving requests: the [Department of Investigation](#). Five of these requests were denied.

FOIL Requests Reported in Portal Are Increasing

According to data published by [DORIS on the NYC Open Data portal](#), the number of new FOIL requests made each year as recorded on the portal increased to more than 85,000 in 2024, up from nearly 41,000 in 2018. The number of agencies using the portal has increased over time, so part of this growth may be attributed to agencies joining the platform who previously used their own intake process. A report by Public Advocate Bill de Blasio found that 40,000 FOIL requests were processed annually by 38 city agencies in 2011 and 2012. (In 2014, Reinvent Albany [estimated](#) there to be about 50,000 requests submitted annually.)

Annual FOIL Requests Made via OpenRecords Portal

By Top 5 Agencies, 2018 to 2024
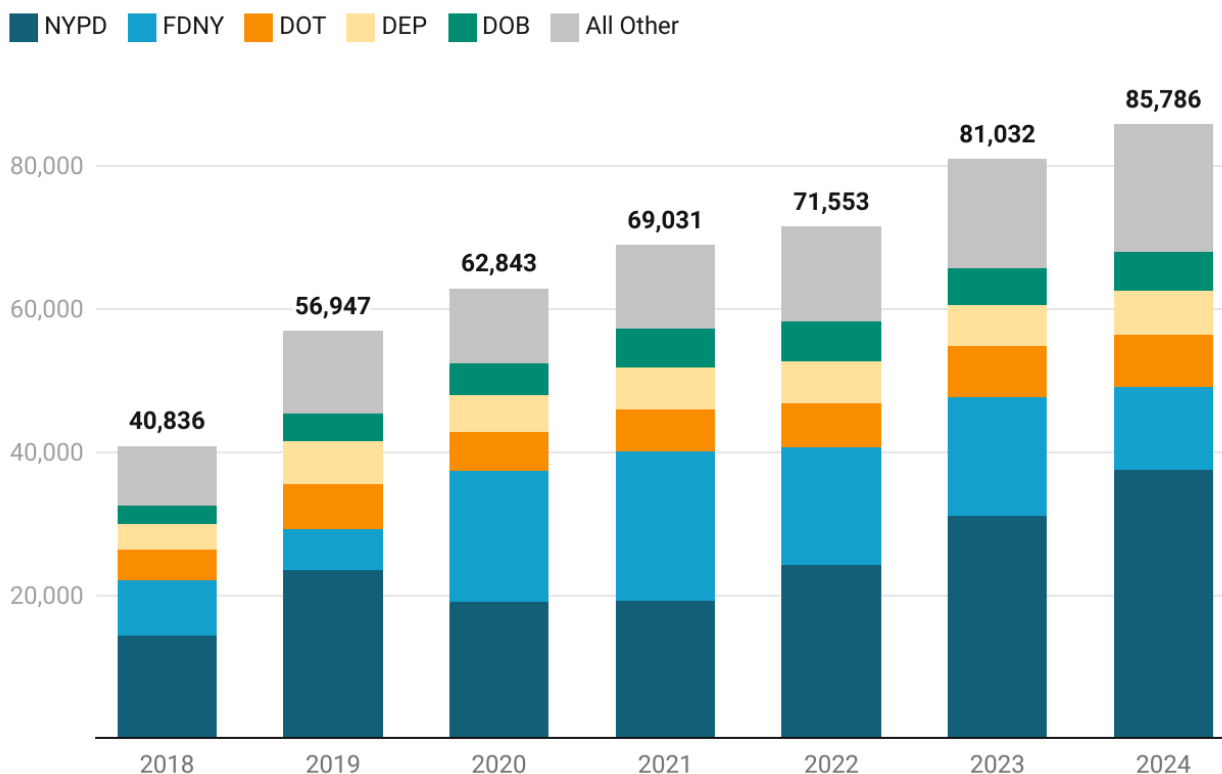
■ NYPD ■ FDNY ■ DOT ■ DEP ■ DOB ■ All Other

Chart: Reinvent Albany • Source: NYC Department of Records and Information Services • Created with Datawrapper

NYPD, FDNY, DOT Top List for Most FOILs

Starting in 2018, the top five agencies by number of FOIL requests received via the OpenRecords portal were the:

- New York Police Department (NYPD)
- Fire Department of the City of New York (FDNY)
- Department of Transportation (DOT)
- Department of Environmental Protection (DEP), and
- Department of Buildings (DOB)

Together, these five agencies were the targets of 81 percent of all new FOIL requests submitted on the portal.

Six-Year Average of Annual FOIL Requests Made Using OpenRecords Portal, by Agency

2018 to 2024

All Others represents the average new FOIL cases per year per agency, not the total of all other agencies per year.
Chart: Reinvent Albany • Source: DORIS • Created with Datawrapper
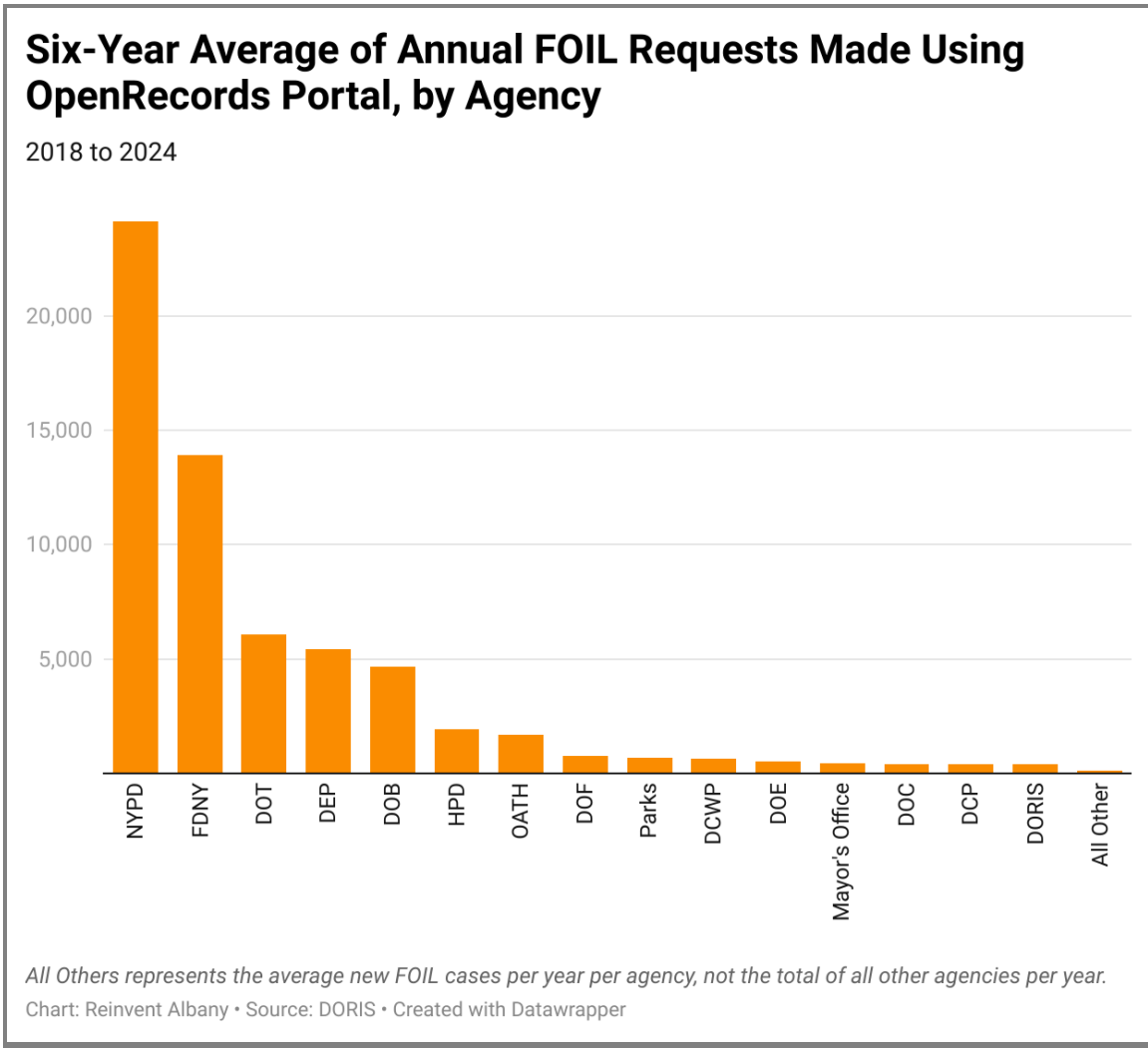
The top five agencies have consistently received the most new FOIL requests over the 2018 to 2024 period. The remaining top 15 include the Housing Preservation and Development (HPD), Office of Administrative Trials and Hearings (OATH), Department of Finance (DOF), Parks Department, Department of Consumer and Worker Protection (DCWP), Department of Education (DOE), the Mayor's Office, Department of Corrections (DOC), Department of City Planning (DCP), and the Department of Records and Information Services (DORIS).[1]

How Fast Do NYC Agencies Close FOIL Requests?
From January 1, 2018 to December 31, 2024, the fastest agency to close requests was the Districting Commission at an average of 7 days; the slowest was Housing Recovery at

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[1] The Mayor's Office does not include: Mayor's Office of Criminal Justice (MOCJ), Mayor's Office of Contract Services (MOCS), Mayor's Office of Media and Entertainment (MOME), Mayor's Office for People with Disabilities (MOPD), and the Mayor's Office of Environmental Remediation (OER), which are listed separately.

522 days. However, these agencies are small, and closed 7 and 142 FOIL requests, respectively.

Looking at agencies with larger FOIL caseloads or staffing, the Department of Records and Information Services (DORIS) closed FOIL requests in 9 days, on average (2,749 closed FOIL requests). DORIS has a total staff headcount of 48.[2] Small Business Services (SBS) had an average closure time of 11 days (395 closed FOIL requests), with a total staff headcount of 307. The Law Department had an average closure time of 13 days (2,352 closed FOIL requests) with a total staff headcount of 1,413.

The slowest major agency was the Department of Corrections, with an average response time of 485 days (1,801 closed FOIL requests). The Department of Corrections has a staff headcount of 7,489. Citywide, the average closure time is 94 days, and the median is 21 days. Note that these averages do not include requests that are still open, so the count of days to close records requests is likely much higher. See **Appendix A** for a chart of the average days to close FOIL requests by agency.

Four agencies accept FOIL requests through the OpenRecords portal, but do not consistently use the portal to track and process requests; they instead process them internally. Therefore, we are unable to determine the length of time the following agencies take to close FOIL requests, and omitted them from our analysis:
- Dept of Homeless Services
- Dept of Parks and Recreation
- Dept of Design and Construction
- Human Resources Administration

The Percentage of Outstanding FOIL Requests After One Year More Than Doubled from 2019 to 2024
Below is a chart with the proportion of active FOIL requests that are still open throughout the year, by year the request was opened. For example, in 2019, the year with the fastest response time, just 7 percent of requests opened that year were still open a year after the request came in. In 2024, 16 percent of requests were still open after one year, making it the second slowest year in terms of response time after 2023, where 19 percent of requests were still open.

Percent of FOIL Requests Still Open, by Days Since Opening

By Year Opened, 2018 to 2024
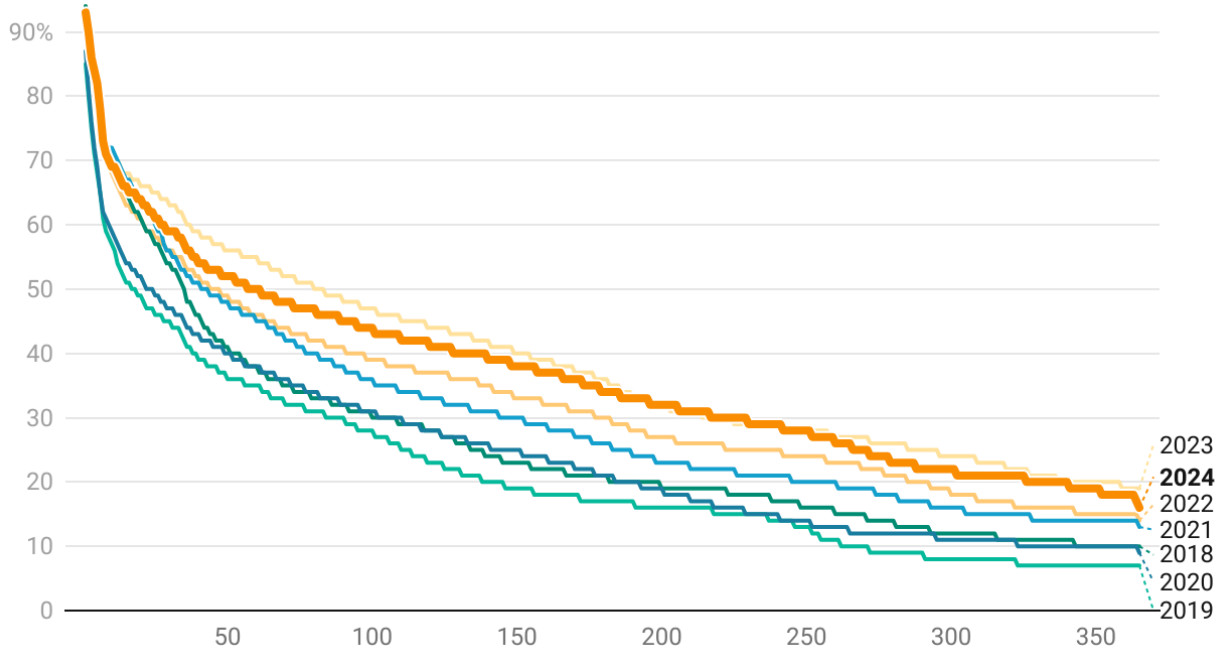
Kaplan-Meier survival estimates calculated in STATA. Excludes DHS, Parks, DDC, and HRA who do not close cases in the Open Records portal and do so internally.

Chart: Reinvent Albany • Source: DORIS • Created with Datawrapper

The Department of Education and Mayor's Office Have Highest Levels of Open FOIL Requests

As of December 31, 2024, there were 50,528 open FOIL requests. Of these, 36,179, or 62 percent, were already past their due date. Similar to the top agencies with the most requests, the NYPD (26,317), FDNY (11,688), and DOT (3,552) had the most outstanding requests. However, due to their high volume of overall requests, these outstanding requests only represent 16, 12, and 8 percent of all their FOIL requests received, respectively. The fourth- and fifth-ranked agencies with the most open requests are DOE and the Mayor's Office and these represent a much higher share of their total received FOIL requests, at 68 and 40 percent, respectively.

Open FOIL Requests in OpenRecords Portal, by Agency

As of December 31, 2024

■ Open Requests ■ % of All Requests

	Open Requests	% of All Requests
NYPD	26,317	16
FDNY	11,688	12
DOT	3,552	8
DOE	2,507	68
Mayor's Office	1,216	40
DOC	1,140	39
HPD	1,029	8
DEP	1,027	3
DOF	447	8
OTI	298	11
DCP	242	8
CCRB	218	8
DOB	162	0
DSNY	132	7
Law Department	125	5
All Others	428	1
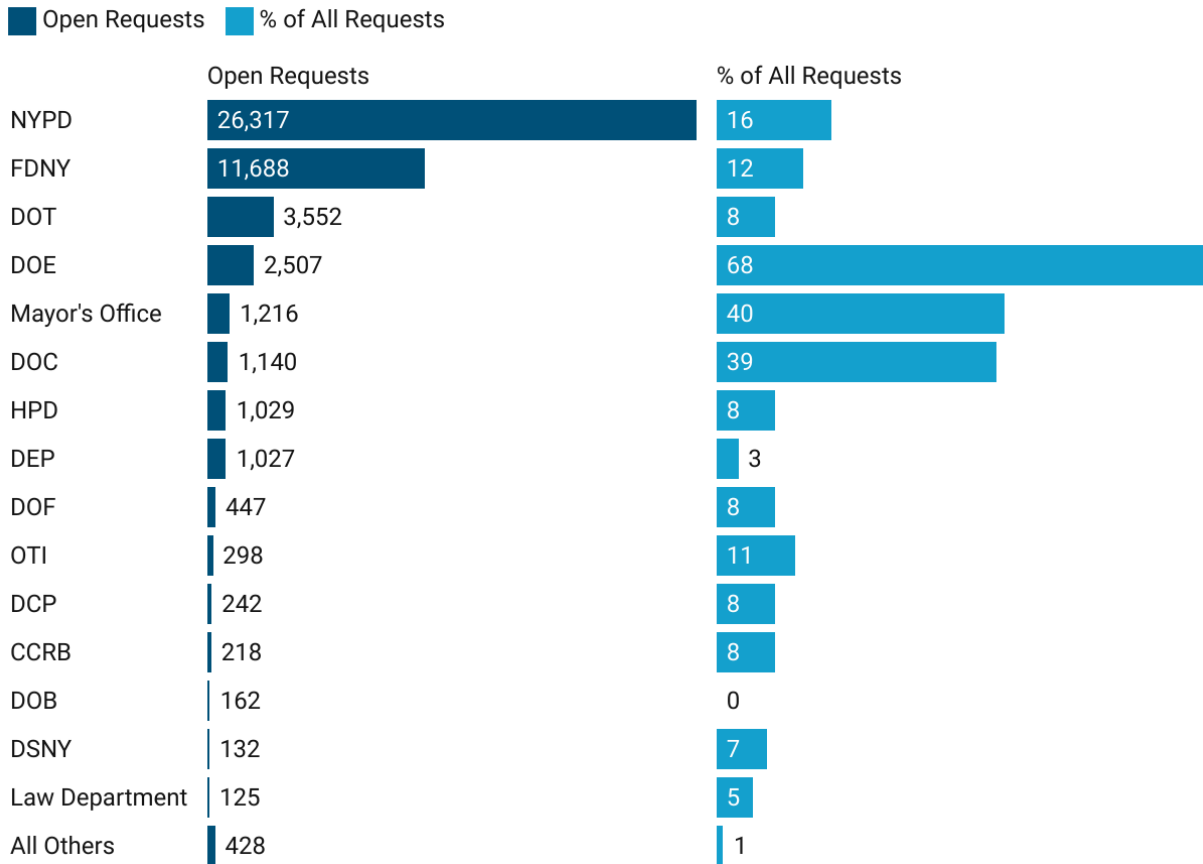
Requests created between January 1, 2018 through December 31, 2024.

Chart: Reinvent Albany • Source: DORIS • Created with Datawrapper

Agencies with Highest Number of Late FOIL Requests
Between 2018 and 2024, 88,546 FOIL requests were closed late, 22 percent of all closed requests. The top five agencies with the most number of late closed FOIL requests are:
- FDNY (27,602)
- NYPD (21,373)
- DOT (20,752)
- DOB (6,102), and
- DEP (4,549)

This is based on whether the agencies are meeting the due date that is posted on the OpenRecords portal (and also published on NYC Open Data). When looking at the closure rate, however, we find that DOC has the most late requests, closing 93 percent of all requests late since 2018, followed by DOE (81 percent), Housing Recovery (68

percent), DOT (53 percent), and OEM (40 percent). See **Appendix B** for a chart of the percent of closed FOIL requests that are late, per agency.

Our Recommendations
Council Should Oversee Agency FOIL Compliance
Reinvent Albany was limited in what analysis could be conducted due to incomplete information provided on the portal. For example, the City does not disclose whether or exactly how agencies use the OpenRecords portal. Reinvent Albany had to contact the Department of Records to confirm that four agencies had FOIL request information published on the portal and in the associated open dataset, but did not use the portal to manage these requests. These agencies' requests were all nearly all listed as "open," and as a result, we had to omit these agencies from our analysis of response times.

We ask the City Council as part of its oversight of agencies to ensure that these questions are answered as part of its work to reform the FOIL process:
1. What portion of all agency FOIL requests are currently recorded in the OpenRecords portal?
2. Which agencies use the OpenRecords portal? Do they use the portal for all requests, or only a portion?
3. Which agencies do not use the portal? How many FOIL requests are not recorded on the portal?
4. Do agencies using OpenRecords have faster overall response times than non-user agencies?
5. What agencies have the fastest and slowest response times?
6. Do agencies using OpenRecords have fewer, the same, or more Article 78 lawsuits per 1,000 FOIL requests?
7. What are agencies charging the public for records? Is there a variation among agencies in the fees collected from FOIL requestors?
8. What agencies are paying the most in attorneys' fees to requestors who successfully litigate to obtain FOIL records previously denied to them?

NYC Council Should Pass FOIL Reporting Legislation
Reinvent Albany strongly supports legislation introduced by Councilmember Gale Brewer to codify and improve the OpenRecords portal. We urge the City Council to pass this important transparency bill.

The FOIL Reporting bill does three key things:
● Requires all agencies to use the portal.
● Substantially improves the amount of information available to the public about how agencies are responding to requests.
● Once a public record is released on the portal, all New Yorkers are able to see it.

Passage of this important legislation would ensure that the public has a window into how City agencies are fulfilling their responsibilities under New York State's core transparency law. It would also enable the City Council to answer the basic accountability questions we posed above. See **Appendix C** for a summary of the bill.

Appendix A

Average Days to Close FOIL Request, by Agency

2018 to 2024, for FOIL's tracked in Open Records Portal

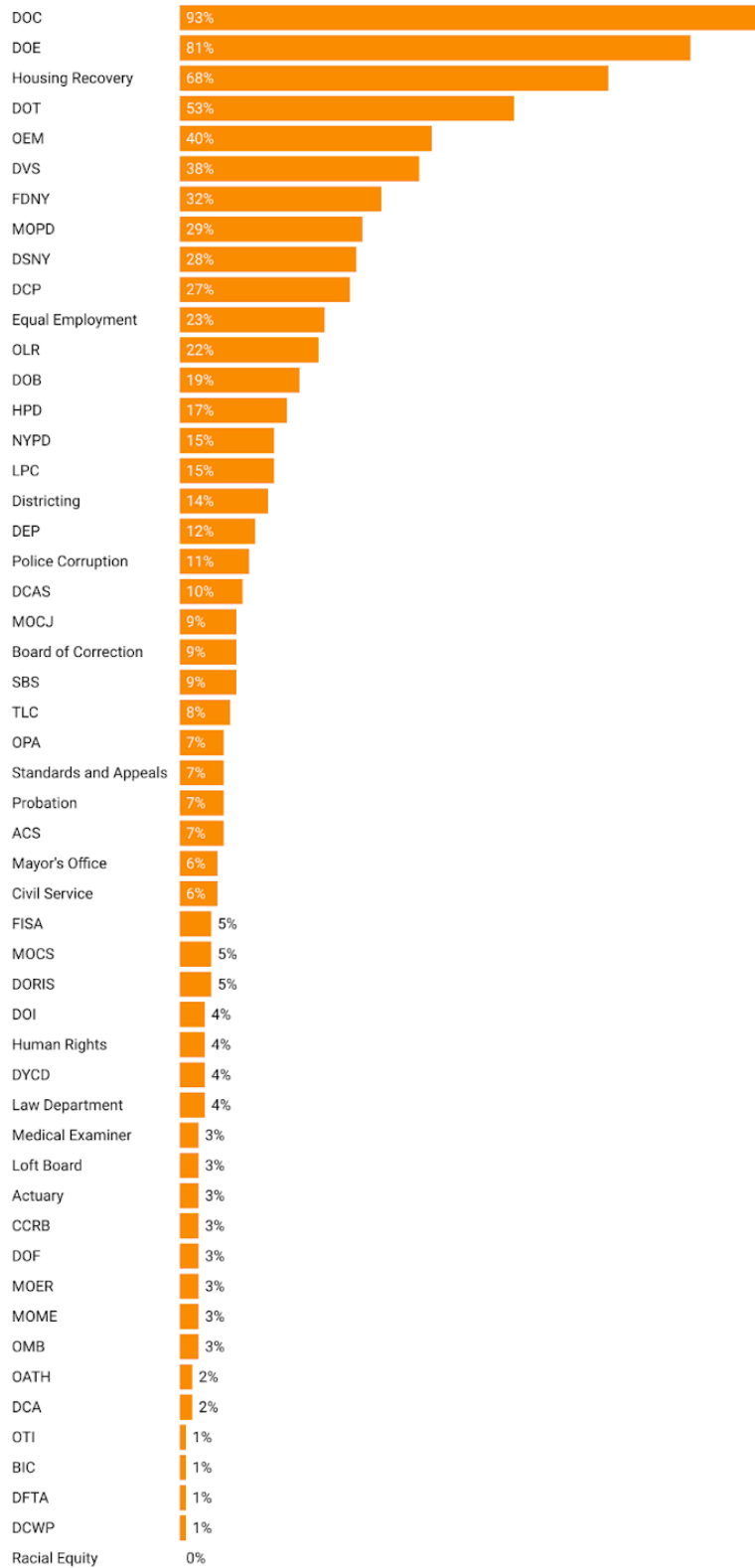| Agency	Average Days
Housing Recovery	522
DOC	485
Mayor's Office	283
Equal Employment	226
DOT	214
CCRB	170
OLR	164
DOF	133
DOE	126
OTI	113
HPD	107
OMB	105
DCP	99
FDNY	94
Average	**91**
DOB	86
NYPD	78
LPC	67
DVS	65
DEP	63
MOCJ	59
ACS	56
MOCS	55
DSNY	53
DCA	51
DCWP	47
Police Corruption	46
OPA	43
OEM	42
Medical Examiner	38
MOME	38
Human Rights	32
TLC	32
DOI	31
FISA	30
DYCD	26
MOPD	22
Board of Correction	20
Probation	18
DCAS	18
OATH	18
DFTA	17
BIC	14
Standards and Appe..	14
Law Department	13
Racial Equity	12
SBS	11
Loft Board	10
Actuary	10
MOER	10
DORIS	9
Civil Service	8
Districting	7

Excludes FOIL requests opened prior to 2018.
Chart: Reinvent Albany • Created with Datawrapper

Appendix B

Percent of Closed FOIL Requests Which Are Late, by Agency

2018 to 2024

Agency	Percent
DOC	93%
DOE	81%
Housing Recovery	68%
DOT	53%
OEM	40%
DVS	38%
FDNY	32%
MOPD	29%
DSNY	28%
DCP	27%
Equal Employment	23%
OLR	22%
DOB	19%
HPD	17%
NYPD	15%
LPC	15%
Districting	14%
DEP	12%
Police Corruption	11%
DCAS	10%
MOCJ	9%
Board of Correction	9%
SBS	9%
TLC	8%
OPA	7%
Standards and Appeals	7%
Probation	7%
ACS	7%
Mayor's Office	6%
Civil Service	6%
FISA	5%
MOCS	5%
DORIS	5%
DOI	4%
Human Rights	4%
DYCD	4%
Law Department	4%
Medical Examiner	3%
Loft Board	3%
Actuary	3%
CCRB	3%
DOF	3%
MOER	3%
MOME	3%
OMB	3%
OATH	2%
DCA	2%
OTI	1%
BIC	1%
DFTA	1%
DCWP	1%
Racial Equity	0%

Excludes FOIL requests opened prior to 2018. Excludes DHS, Parks, DDC, and HRA who do not consistently close cases in the Open Records portal and do so internally.

Chart: Reinvent Albany • Source: DORIS • Created with Datawrapper

Appendix C

A summary of the [bill by Councilmember Brewer](#) is below.

1. Codifies the development and maintenance of the OpenRecords portal by the Department of Records and Information Services (DORIS), in consultation with the Department of Information Technology and Telecommunications (DOITT) or any successor agency. The portal is must allow for the following:
   a. Agencies to receive and respond to FOIL requests submitted by the public;
   b. Agencies to upload digital files, including in machine readable formats;
   c. Agencies and the public to track the progress of each request;
   d. Full text search and filtering of requests;
   e. Public access to electronic copies of records sent in response to requests (published 14 days after sent to requestor);
   f. Public access to portal data through application programming interface (API);
   g. For any person to request and receive automated notifications of determinations or other actions pertaining to any request on the portal;
   h. For any person to access a directory with contact information of the names and titles of records access and appeals officers of each agency.
   i. For any person to access detailed monthly statistics on requests.
2. Requires the following data to be provided on the portal about requests:
   a. Unique identifiers for each request;
   b. Titles of requests, as summarized by the agency FOIL officer;
   c. Dates of receipt, acknowledgement, responses, determinations, appeals, and judgements;
   d. Whether requests were granted in whole, in part, or denied;
   e. Which exemptions were cited in denials;
   f. Status of any appeals;
   g. Total dollar amount of fees collected from requestors, and paid by agencies in attorneys' fees for Article 78 proceedings; and
   h. Number of records were produced.
3. Requires agencies to link to the portal from their own websites, and enter any requests not received via the portal into the portal for tracking;
4. Requires DORIS to develop performance guidelines with the Mayor's Office of Operations for inclusion in the mayor's management report after holding a public hearing, and to distribute information about updates to the portal and best practices for responding to FOIL requests at least every 6 months.
5. Requires DORIS to submit an implementation plan to the mayor and speaker of the council 90 days after enactment of the law.

Appendix D

Agency Abbreviations

Abbreviation	Agency Name
ACS	Administration for Children's Services
Actuary	Office of the Actuary
BIC	Business Integrity Commission
Board of Correction	Board of Correction
CCRB	Civilian Complaint Review Board
Civil Service	Civil Service Commission
DCA	Department of Cultural Affairs
DCAS	Department of Citywide Administrative Services
DCP	Department of City Planning
DCWP	Department of Consumer and Worker Protection
DDC	Department of Design and Construction
DEP	Department of Environmental Protection
DHS	Department of Homeless Services
DOA	Department of the Aging
DOB	Department of Buildings
DOC	Department of Corrections
DOE	Department of Education
DOF	Department of Finance
DOI	Department of Investigation
DOITT	Department of Information Technology and Telecommunications

Abbreviation	Agency Name
DORIS	Department of Records and Information Services
DOT	Department of Transportation
DSNY	Department of Sanitation
DVS	Department of Veterans Services
DYCD	Department of Youth and Community Development
Districting	New York City Districting Commission
Equal Employment	Equal Employment Practices Commission
FDNY	New York City Fire Department
FISA	Financial Information Services Agency
HPD	Housing Preservation and Development
HRA	Human Resources Administration
Housing Recovery	Housing Recovery Operations
Human Rights	New York City Commission on Human Rights
LPC	Landmarks Preservation Commission
Law Department	Law Department
Loft Board	Loft Board
MOCJ	Mayor's Office of Criminal Justice
MOCS	Mayor's Office of Contract Services
MOME	Mayor's Office of Media and Entertainment
MOPD	Mayor's Office for People with Disabilities
Mayor's Office	Mayor's Office

Abbreviation	Agency Name
Medical Examiner	New York City Office of the Chief Medical Examiner
NYPD	New York City Police Department
OATH	Office of Administrative Trials and Hearings
OEM	Office of Emergency Management
OER	Mayor's Office of Environmental Remediation
OLR	Office of Labor Relations
OMB	Office of Management and Budget
OPA	Office of Payroll Administration
Parks	Department of Parks and Recreation
Police Corruption	Commission to Combat Police Corruption
Probation	Department of Probation
Racial Equity	Commission on Racial Equity
SBS	Department of Small Business Services
Standards and Appeals	Board of Standards and Appeals
TLC	Taxi and Limousine Commission