June 2025

LISTENING TO FOIL 2025:
Lessons from Five NYS Agencies

Reinvent Albany

OPEN, ACCOUNTABLE, EFFECTIVE GOVERNMENT.

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Executive Summary

In a series of "Listening to FOIL" reports dating to 2014, Reinvent Albany has used government agency logs of Freedom of Information Law (FOIL) requests to assess how well FOIL is working. These reports also provide a model for agencies of how they can use their own FOIL logs to guide which data sets they publish as open data.

In this report, Reinvent Albany collates the volume of FOIL requests received, who made the requests, the information being sought, and response times documented in the FOIL logs provided to us from five units of New York State government:

- Metropolitan Transportation Authority (2023 and 2024 logs)
- NYS Department of Transportation (2023 log)
- Empire State Development (2024 log)
- Board of Elections (2024 log)
- Commission on Ethics and Lobbying in Government (2024 log)

Reinvent Albany obtained the agency FOIL logs via Freedom of Information request, and we credit Empire State Development (ESD), the State Board of Elections (SBOE), and the Commission on Ethics and Lobbying in Government (COELIG) for providing detailed logs that provide a much better picture.

We were unable to complete a more current analysis of NYS Department of Transportation (NYS DOT) FOIL activity because the DOT has not sent the 2024 logs we requested via FOIL on January 6, 2025 – nearly six months ago!

Below is a summary of FOIL caseloads and response times for each of the five agencies covered in this report. Note that agencies sometimes classify a request as "closed" even if the requestor believes the agency did not provide all or most of the records they asked for.

Reinvent Albany Analysis: FOIL Logs of NYS Agencies, 2023 and 2024

Agency and Calendar Year	Requests Received	Requests Closed	Average Days to Close Requests
MTA − 2024	4,450	4,371	86
MTA − 2023	4,068	3,562	N/A
NYS DOT − 2023	4,078	4,253	18
NYS BOE − 2024	2,157	2,152	4
ESD − 2024	307	323	66
COELIG − 2024*	203	191	14

* COELIG's FOIL Log appears to only include closure dates for requests received in 2024.

Table: Reinvent Albany • Source: FOIL Logs Provided by Agencies to Reinvent Albany. • Created with Datawrapper

The volume of requests and response times varies widely. One reason for this is because, unlike the federal government, the State of New York does not track or publicly report on how well state agencies and authorities fulfill their responsibilities under the Freedom of Information Law. They, along with the offices of the Governor, Attorney General, and State Comptroller, do not treat FOIL as the important public service it is. They do not track agency FOIL activity or efforts to comply with this fundamental transparency law.

The Committee on Open Government (COOG) issues annual reports about FOIL and the Open Meetings Law, but is underfunded and has a tiny staff. Reports by watchdog groups, like Reinvent Albany, remain one of the only tools the public, Legislature, and decision makers have to evaluate whether FOIL is working, and whether agencies are ignoring or undermining it.

Key Findings
- The agencies with the most requests – Metropolitan Transportation Authority (MTA) and NYS Department of Transportation (NYS DOT) – did not include information in their logs about whether records were actually sent to FOIL requestors. Only the State Board of Elections (SBOE), Empire State Development (ESD), and the Commission on Ethics and Lobbying in Government's (COELIG) FOIL logs included data about whether records requests were fulfilled in full, in part, or denied.
- While some of the five agencies in this report keep up with the volume of requests, others are struggling – in particular the Metropolitan Transportation Authority (MTA).

- The MTA compares extremely poorly to much smaller agencies, like the NYS Department of Transportation, which gets about the same number of FOIL requests, but on average closes them in 18 days versus 86 days for the MTA.
- The MTA was inundated with requests that have nothing to do with its core function of providing public transit, and received 1,627 requests, 37% of total, from law firms. Most of these were from personal injury firms likely assessing whether they should take on a case suing the MTA.
  - In 2024, the MTA closed 16 requests that were between 5 and 10 years old.
  - The MTA closed *fewer* FOIL requests than it received in 2024.
- The State Board of Elections had the shortest average turnaround time of 4 days, and closed *more* FOIL requests than it received in 2024.
  - No requests took longer than 30 days to be closed.
  - Most requests to the Board of Elections were for voter lists (1,096 requests).
- The Commission on Ethics and Lobbying in Government (COELIG) was the second fastest, taking an average of 14 days to close FOIL requests.
- Performance was spotty at the NYS DOT and ESD. While most requests were closed in fewer than 30 days, a smaller number took more than a year at each agency.
- Most agencies still do not accept appeals for FOIL requests via email, instead making requestors send hard copies of appeals in the mail.
  - The MTA, State Board of Elections, and NYS DOT require FOILers to send appeals via snail mail.
  - ESD and COELIG provide email addresses on their websites for FOIL appeals.

Recommendations

Reinvent Albany joined journalism groups, transparency advocates, and government watchdog groups to urge the Legislature to pass a package of four bills to strengthen the Freedom of Information Law. Our groups strongly agree that FOIL is working poorly and some of us, including Reinvent Albany, believe FOIL is dysfunctional and verging on systemic failure.

Eighteen of our groups sent a Sunshine Week letter [to New York's Legislative leaders](#) urging them to pass the four bills. Laudably, the [Assembly did pass two of these bills](#).

1. **Report FOIL Activity** [(S452 (Hoylman-Sigal) / A2321 (McDonald))](#) – Passed the Assembly in 2024, and March 2025.
2. **Limit Commercial FOIL Exemption** [(S5000 (Hoylman-Sigal) / A1410 (Rosenthal))](#) – Passed the Senate in 2024, and the Assembly in March 2025.
3. **Strengthen FOIL Attorneys' Fees** [(A950-A (Steck) / S1418-A (Liu))](#) – Passed the Senate last session.
4. **Reduce Agency FOIL Response Time** [(S2520-A (Skoufis) / A3425 (Raga))](#) – Advanced to third reading in the Senate last session.

For individual recommendations for each agency, please see the full report.

Introduction

Reinvent Albany advocates for transparent and accountable New York government. We work to strengthen the Freedom of Information Law (FOIL) and put government information online. We advocate for government open data and the laws, practices, and funding to make it happen.

We believe all government agencies in New York should consider providing public records requested via the Freedom of Information Law as a core service, rather than an afterthought or arbitrary burden. We think agencies should have to publicly disclose basic details about how well they are providing FOIL records as a basic, mission-central customer service. Agencies have been subject to FOIL since the 1970s. By now, agencies should have well-managed, adequately-staffed FOIL processes. Agencies should be data-driven and continuously improving so the administrative burden is as low as possible – while ensuring good customer service.

To evaluate how well FOIL is working and how to improve it, Reinvent Albany regularly looks at the FOIL logs of records requests received by state and local agencies. Our past reports on FOIL and NYS government transparency include:

- [New York City Government Flouting Freedom of Information Law (April 2025)](#)
- [Opening New York 2024: Rating 66 Agency Transparency Plans (May 2024)](#)
- [Listening to FOIL 2024: Lessons from Six NYS Agencies (March 2024)](#)
- [Opening New York 2022: Rating 70 State Agency Transparency Plans (March 2022)](#)
- [NYS Legislature - "Tale of Two Houses" (December 2020)](#)
- [Metropolitan Transportation Authority - FOIL that Works (October 2018)](#)
- [NYC Department of Information Technology and Telecommunications - Listening to FOIL (November 2015)](#)
- [NYC Government - "Beyond Magic Markers" (June 2014)](#)

This report continues this important work, looking at the logs of the Metropolitan Transportation Authority, NYS Department of Transportation, Empire State Development, New York State Board of Elections, and Commission on Ethics and Lobbying in Government. For agencies where Reinvent Albany has FOIL logs from prior years, we include analyses of long-term trends.

It is troubling that there is no effort at the state level to learn how FOIL is working across all agencies. As noted in our [reports](#) [reviewing](#) the Governor's transparency plans, there was a missed opportunity for the Governor to collect data about agency FOIL response times to assess how agencies can better respond to FOIL requests. And while the Comptroller's office audits agencies from time to time about FOIL requirements, such as a [2023 audit](#) of the NYS Department of Transportation and a [2020 audit](#) of the Capital District Transportation Authority, the Comptroller's office does not examine each agency or authority's FOIL compliance.

Agency Analysis

Metropolitan Transportation Authority

Our prior reports on the Metropolitan Transportation Authority's (MTA) FOIL process, *FOIL that Works* (October 2018) and *Listening to FOIL 2024: Lessons from Six NYS Agencies* (March 2024) showed that the MTA received 8,900 requests in 2018, two-thirds of which were related to MTA police department incident reports. Subsequent to our 2018 report, the MTA centralized its FOIL request process to a single office at MTA headquarters, and offloading police incident reports to a separate portal. Diverting public requests for this one type of very specific record from the MTA's FOIL unit was a huge success, and resulted in a whopping 60% reduction in FOILs, from 8,900 requests in 2018 to 3,539 in 2022.

MTA uses the GovQA platform for its requests, but, unfortunately, does not use the feature that allows records released through the platform to be published online ("release to one, release to all"). Additionally, the MTA does not currently provide any information about where to direct an appeal on its website, or the GovQA portal.

This report examines 2023 and 2024 FOIL logs which were provided to Reinvent Albany in response to a FOIL request. For our request for 2024 MTA FOIL logs, Reinvent Albany waited 77 calendar days. The 2023 FOIL logs were provided after approximately 6 months, or 154 calendar days.

Volume of Requests Creeping Back Up
Based on our recent review of 2023 and 2024 MTA FOIL logs, the number of FOIL requests made to the MTA is increasing. We do not know if the MTA's backlog is being reduced, but for the first time, Reinvent Albany received information about *all* FOIL requests that were closed by MTA in 2024 and 2023.[1] In 2023, the MTA closed 3,562 requests, while 4,068 requests were submitted. This improved in 2024 to 4,371 requests closed, with 4,450 requests submitted.

The chart below shows that despite the decrease in FOIL requests after police incident reports were offloaded to a separate portal and request process, the number of FOIL requests has been creeping back up after 2020, to a total of 4,068 in 2023, and 4,450 in 2024.

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[1] Note that the information provided in FOIL logs changed due to the wording of Reinvent Albany's FOIL requests being updated to request different information – not the agency failing to provide this in the past.

Reinvent Albany Analysis: FOILs Received and Closed by MTA, 2017-2024

■ Received ■ Closed

Year	
2024	Received ~4,400; Closed ~4,400
2023	Received ~4,100; Closed ~3,600
2022	Received ~3,500
2021	Received ~3,000
2020	Received ~2,600
2019	Received ~5,900
2018	Received ~8,100
2017	Received ~8,700

For calendar years 2017 - 2022, Reinvent Albany only requested total FOILs received. For 2023 and 2024, we requested data for FOILs both received AND closed in the calendar year.

Chart: Reinvent Albany • Source: FOIL logs obtained from MTA by Reinvent Albany. • Created with Datawrapper

Who is Requesting MTA Records?
In previous reports about the MTA's FOIL requests, Reinvent Albany used keyword searches to determine what types of records FOILers were looking for. We found that despite the offloading of police incident reports, incident reports for the MTA's operating agencies – particularly involving bus crashes – still remained a large part of the MTA's FOIL caseload. Additionally, camera/video footage was another common request.

The FOIL logs provided to Reinvent Albany for calendar year 2024 did not include information about what was requested by FOILers. However, the MTA's FOIL log included information about the employers/affiliation of requesters. Based on the information in the FOIL logs and Reinvent Albany's research into the requesters, we found that the largest portion of FOIL requests came from law firms – largely personal injury firms (1,627 requests, or 37%). This is perhaps not surprising given the prevalence of incident reports among the FOIL requests, and the large number of ads for personal injury firms placed on subways and bus shelters.

The second most common requester type involved businesses, including those who are seeking business with the MTA (1,343 or 30%). We were unable to attribute about a quarter of requests to a requestor group, which are labeled "Unknown" below (1,130). A much smaller number of requests made up the remaining 8% of requests, coming from employees or unions (120), academic or nonprofit requestors (103) the press (78) or government (non-MTA, 49).

Reinvent Albany Analysis: Types of MTA FOIL Requestors, 2024

Press (1.8%)
Academic/Nonprofit (2.3%)
Employee/Union (2.7%)
Unknown (25%)
Government (1.1%)
Law firm (37%)
Business (30%)

Total: 4,450
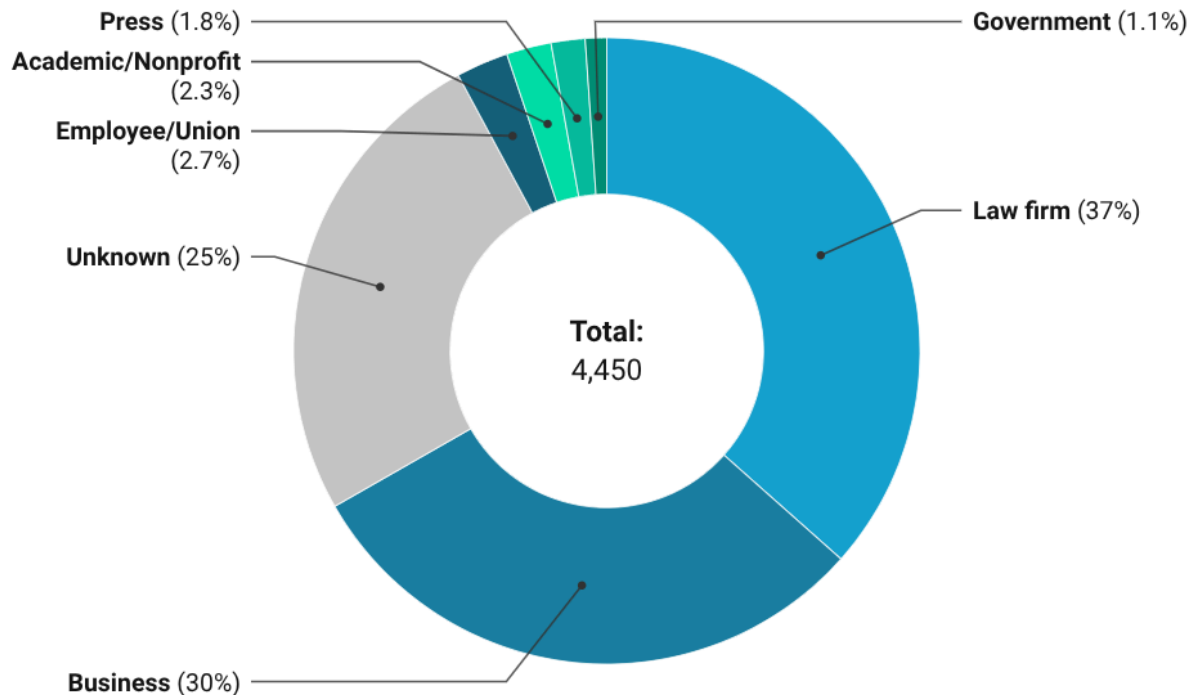
Chart: Reinvent Albany • Source: MTA 2024 FOIL log, as obtained by Reinvent Albany • Get the data • Created with Datawrapper

Response Times and the Backlog

Response times vary for the requestor groups. Unfortunately, longer response times occurred for those individuals where we could not determine their affiliation.

When an agency classifies a FOIL request as closed, it does not mean they actually sent the records that were requested. "Closed" just means the MTA is done responding to that particular request, and it could mean a records request was denied in whole or in part. We do not know, and it's possible the MTA does not either, because their own FOIL logs have no fields for this information.

Reinvent Albany Analysis: Types of MTA FOIL Requestors, Average Days to Close, and Total Requests by Group, 2024

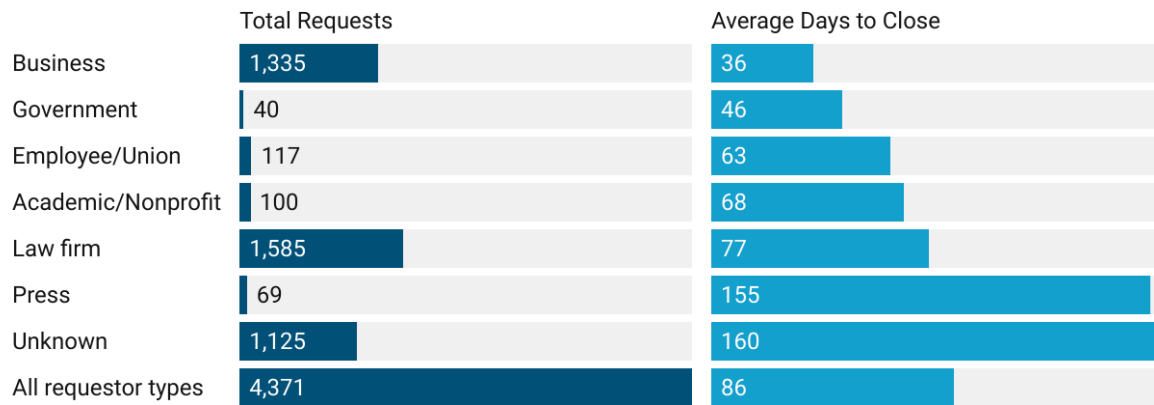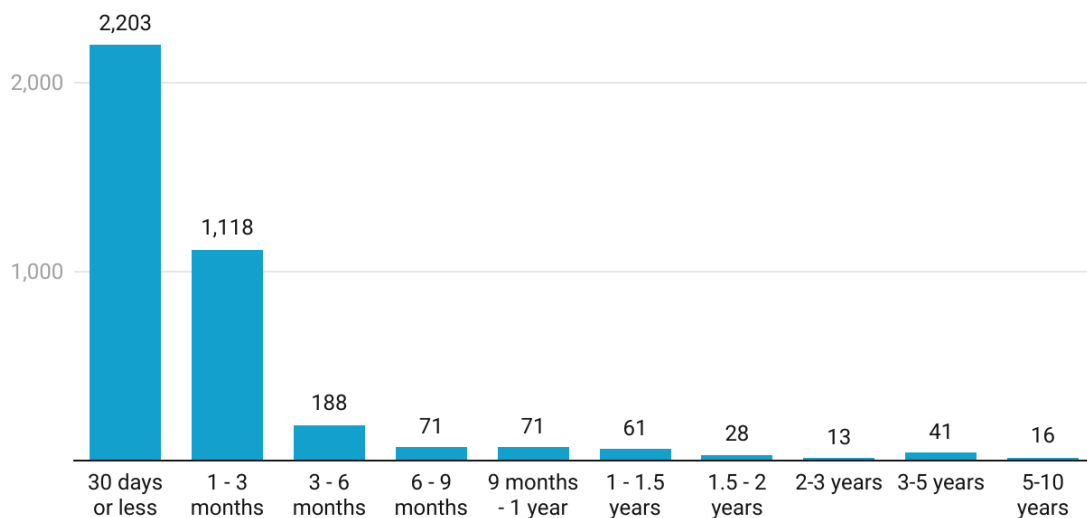|	Total Requests	Average Days to Close
Business	1,335	36
Government	40	46
Employee/Union	117	63
Academic/Nonprofit	100	68
Law firm	1,585	77
Press	69	155
Unknown	1,125	160
All requestor types	4,371	86

Chart: Reinvent Albany • Source: FOIL Logs provided by MTA to Reinvent Albany • Created with Datawrapper

The major groups of FOIL requestors – businesses and law firms – experience average wait times of 36 days and 77 days, respectively. While making up a small number of requestors, members of the press experience longer wait times for FOIL requests averaging 155 days.

Reinvent Albany in 2024 received data regarding all 4,371 FOIL requests closed in 2024 by MTA. Unfortunately, this included requests dating as far back as 5-10 years (16 requests), though most requests are closed in three months or less (3,321 or 76%). We hope that the closure of these long-delayed FOIL requests means that the MTA is clearing its backlog.

Reinvent Albany Analysis: MTA FOIL Closure Times, 2024

Closure Time	Count
30 days or less	2,203
1 - 3 months	1,118
3 - 6 months	188
6 - 9 months	71
9 months - 1 year	71
1 - 1.5 years	61
1.5 - 2 years	28
2-3 years	13
3-5 years	41
5-10 years	16

Source: MTA FOIL logs provided to Reinvent Albany • Created with Datawrapper

We recognize that the MTA has a considerably larger and more complex FOIL caseload compared to the other agencies we examined. However, the MTA, which has a roughly $20 billion operating budget, should be able to easily support a staff of FOIL officers commensurate with its public profile and the volume of requests. The MTA does very poorly compared to much smaller agencies, like the NYS Department of Transportation, which gets roughly the same number of requests but closes them on average within 18 days vs. 86 days for the MTA.

Recommendations for the MTA

1. **Boost staffing to eliminate the backlog** of requests and stay caught up.
2. **Use the GovQA platform to proactively publish public records** that have been released via FOIL – "release to one, release to all." (Could be timed to publish fourteen days after being provided to the requestor.)
3. **Provide the name and contact information for the MTA Appeal Officer on the MTA's FOIL website and GovQA portal,** and accept appeals via the portal or email.
4. **Offload and automate *all* incident report requests**, particularly for bus-related crashes and incidents. MTA has already created a separate request process for MTA Police Department incident reports, and should do the same for all other MTA incident reports.
5. **Continue implementation of the [MTA Open Data Act](#)** and identify frequently-FOILed datasets for release like contract, capital program, or customer satisfaction data.
6. **Post frequently-requested contracts on the MTA website, and work toward publishing all MTA contracts.**
7. **Examine national best practices for how to respond to requests for video footage**, such as a recent [Federal Department of Justice guide](#) for federal agencies grappling with requests for video.

New York State Department of Transportation

Reinvent Albany requested FOIL logs from the NYS Department of Transportation (NYS DOT) for the first time in 2024. It took considerable time for the 2023 logs to be released to us, as they were sent more than eight months after the initial request, or 251 calendar days. We are still waiting for 2024 FOIL logs, which were requested on January 6, 2025.

NYS DOT currently accepts requests through the [GovQA](#) platform but does not use the feature that allows records released through the platform to be published ("release to one, release to all"). DOT does not provide the email, phone, or name of its appeals officer [on its website](#), or the GovQA portal, instead directing the public to hard copy mail appeals.

As noted previously, the NYS Comptroller [audited](#) the NYS DOT's FOIL performance in 2023. It found the following:

- NYS DOT did not respond within the statutory time frame for 34 of the 194 sampled FOIL requests. This included 19 FOIL requests where DOT did not grant, deny, or acknowledge receipt of the request within 5 business days.
- NYS DOT did not provide an appeal to the Committee on Open Government (COOG) upon receipt as required by law for any of the 49 appeals reviewed.
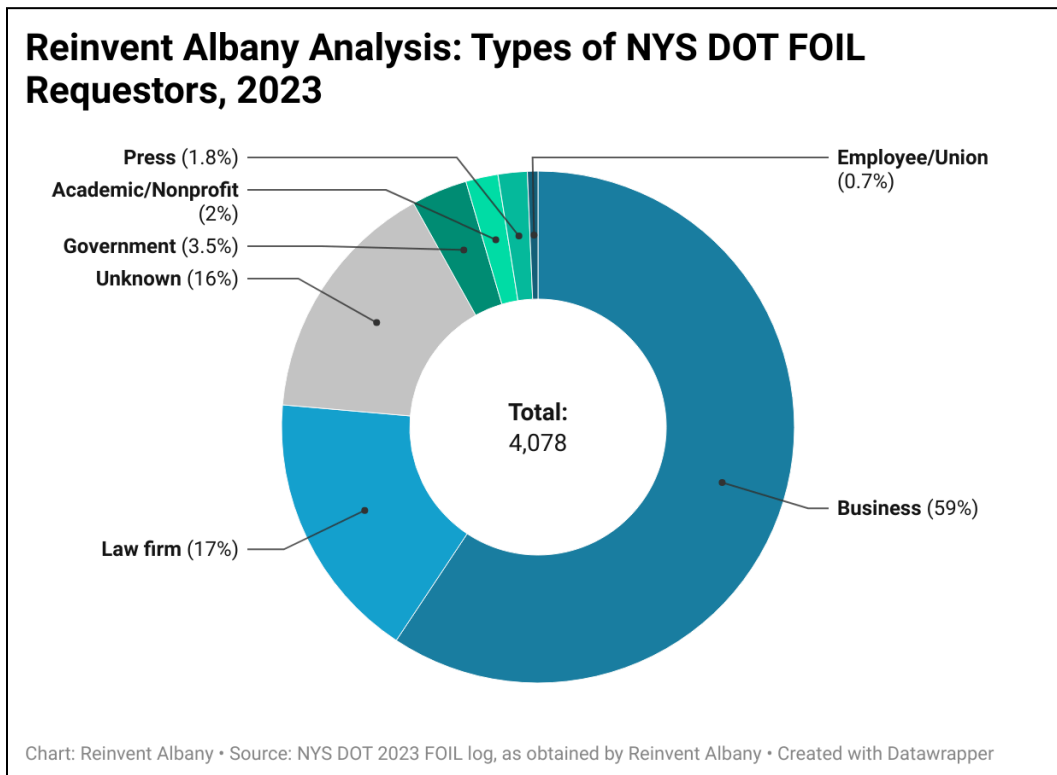
- NYS DOT's regional offices did not always follow the FOIL procedures for handling FOIL requests. Three regional offices typically did not use the DOT acknowledgment template letter. Instead, they used informal emails that lacked a reference number.

Volume of Requests
The NYS Department of Transportation received 4,078 FOIL requests in 2023. This is the first year that Reinvent Albany requested FOIL logs for this agency, so we do not have another year for comparison. The logs we received for 2023 were broken into two separate lists: one for FOIL requests received through its Customer Communications Management (CCM) system, and those received through GovQA. Out of the 4,078 FOIL requests, 2,897 came through the CCM, and 1,181 through GovQA. The list of requests from GovQA was more complete, including fields for acknowledgements, and whether the request was closed. (Date of closure was provided for both sets of FOIL logs, CCM and GovQA.)

Who is Requesting NYS DOT Records?
Like the MTA, private entities dominate FOIL requests to the NYS DOT. Most requestors had an organization listed, but Reinvent Albany was unable to categorize the affiliation of 634 or 16% of requestors (see "Unknown" below). Businesses – primarily contractors, engineering firms and land surveyors – submitted the most requests: 2,419 or 59%. Law firms filed 696 or 17%, including for incident reports and information about crashes. All other requestors were a much smaller share of requests, together only representing 6% of requests: government agencies made 144 requests, academic or nonprofit organizations 83, and the press 75.

Reinvent Albany Analysis: Types of NYS DOT FOIL Requestors, 2023

Press (1.8%)
Academic/Nonprofit (2%)
Government (3.5%)
Unknown (16%)
Employee/Union (0.7%)
Total: 4,078
Business (59%)
Law firm (17%)

Chart: Reinvent Albany • Source: NYS DOT 2023 FOIL log, as obtained by Reinvent Albany • Created with Datawrapper

Response Times

Response times vary for the requestor groups. Unfortunately, longer response times occurred for those individuals where we could not determine their affiliation. The quickest responses were for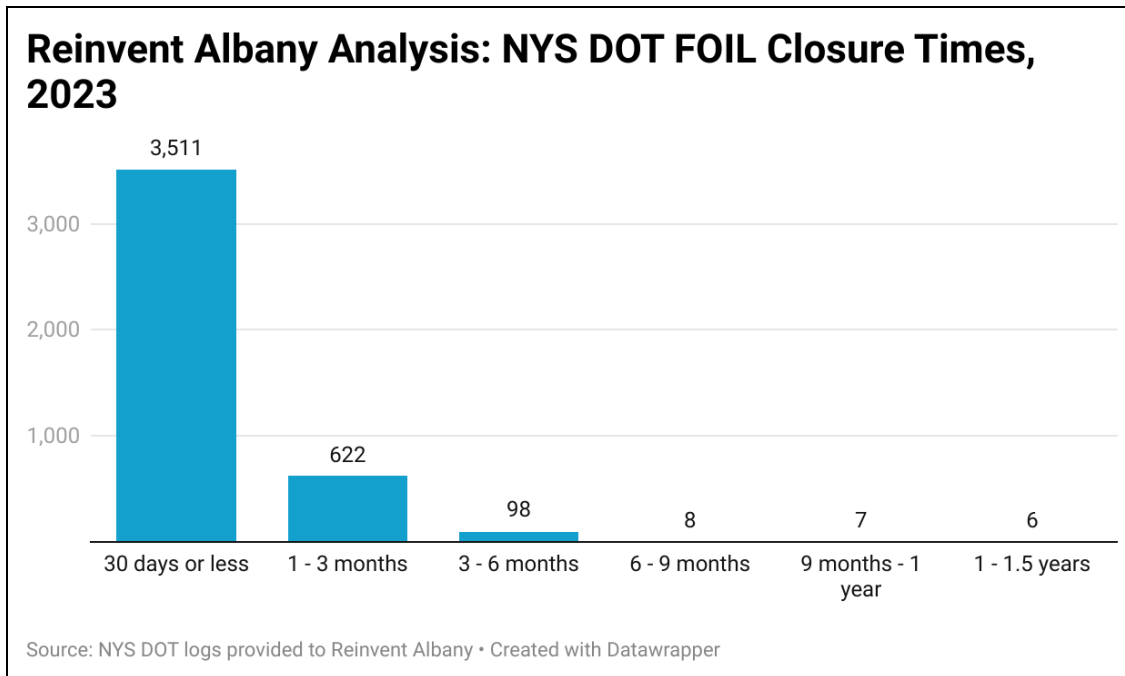 businesses at an average of 13 days. Requests from the press took the longest, at an average of 46 days. Note that the chart below includes all requests closed in 2023. Some requests were originally filed in 2022, explaining why the total number *closed* (4,253) exceeds the number *received* (4,078) in 2023.

Reinvent Albany Analysis: NYS DOT FOIL Requestors Average Days to Close and Total Requests, Closed in 2023

	Total Requests	Average Days to Close
Academic/Nonprofit	83	32
Business	2,535	16
Government	154	17
Law firm	725	23
Press	79	46
Union	27	27
Unknown	646	19
All requestor types	4,253	18

Chart: Reinvent Albany • Source: FOIL Logs provided by NYS DOT to Reinvent Albany • Created with Datawrapper

We note that closure of a FOIL request does not mean that records were sent; we are unable to determine the outcome of the responses because NYS DOT's FOIL logs had no fields for this information, i.e., whether records were sent, the request denied, etc.

When looking at all requests and their response times, the NYS DOT closed the vast majority of FOIL requests in 30 days or less: 3,511 or 83%. A small percentage take longer: 622 or 15% take 1-3 months, and 2% take 3-6 months. The longest response time was 437 days for a request about "speed limit change requests and outcomes."

Reinvent Albany Analysis: NYS DOT FOIL Closure Times, 2023

Category	Value
30 days or less	3,511
1 - 3 months	622
3 - 6 months	98
6 - 9 months	8
9 months - 1 year	7
1 - 1.5 years	6

Source: NYS DOT logs provided to Reinvent Albany • Created with Datawrapper

Recommendations for the NYS Department of Transportation

Because this is the first time that Reinvent Albany has examined NYS DOT's FOIL logs, we do not have as big a picture about their performance or trends related to volume of requests. While their response times, on average, appear to be less than some agencies, our own FOIL request for the 2024 FOIL log is still in limbo. We ask the NYS DOT to do the following regarding its FOIL process:

1. **Use the GovQA platform to proactively publish public records** that have been released via FOIL – "release to one, release to all." (Could be timed to publish fourteen days after being provided to the requestor.)
2. **Provide the contact information for the NYS DOT Appeal Officer on the DOT's FOIL portal,** and accept appeals via the portal or email.
3. **Identify new datasets for publishing on the NYS Open Data Portal.**
4. **Post frequently-requested contracts on the NYS DOT website, and work toward publishing all NYS DOT contracts.**
5. **Examine national best practices for how to respond to requests for video footage**, such as a recent Federal Department of Justice guide for federal agencies grappling with requests for video.

Empire State Development

Empire State Development (ESD) received 307 FOIL requests in 2024, and closed 322 during this period. ESD uses the GovQA platform for its requests, but does not use the feature that allows records released through the platform to be published. ESD provides the email address for FOIL appeals on its FOIL website; however, the online GovQA platform only illogically provides a hard copy mailing address.
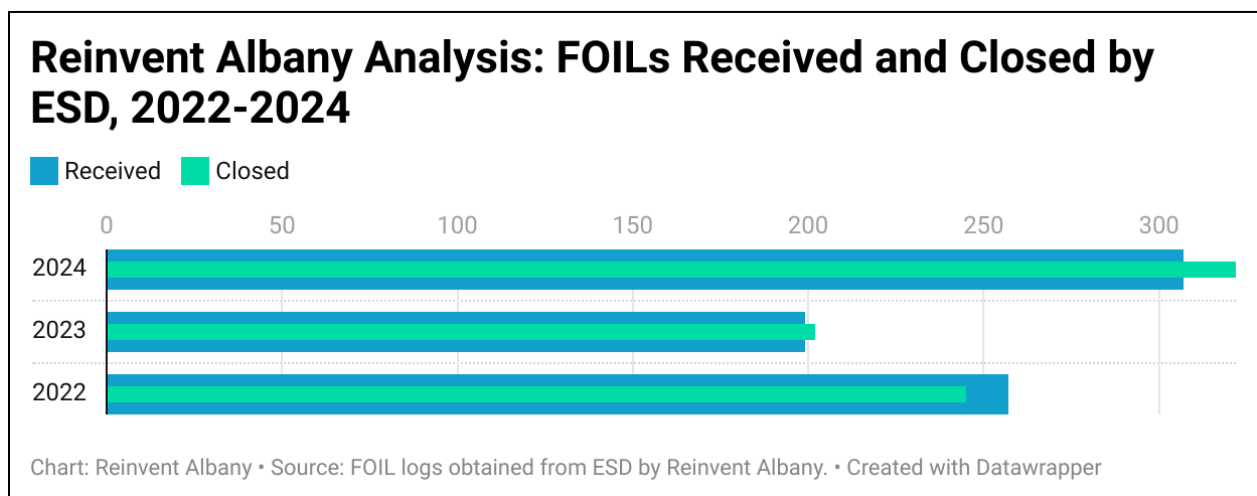
Reinvent Albany requested its 2024 FOIL logs via a FOIL request on January 22, 2025. We received the log on March 6, 2025, 43 days later. We appreciate that ESD provided a detailed log of requests that allowed us to get a better understanding of their FOIL process and response times. Their logs included fields about what was requested, and the specific outcomes of closed FOIL requests, i.e., denied, responsive records sent, etc.

As noted in our past reports, Reinvent Albany submitted numerous record requests to ESD over the past decade and has been denied access to records we believe are required to be released under FOIL. Additionally, we have had to FOIL for basic records that should have been published online as a matter of course, including agendas and materials for the Penn Station Redevelopment Project Community Advisory Committee. Our July 2023 Open ESD report highlighted ESD's failure to release important financial data produced by its consultant, Ernst & Young, which formed the basis for its projections for how Penn Station upgrades were to be paid for, including through tax breaks for developer Vornado on Midtown, Manhattan property seized by the state.

A breakdown of how requests were responded to in 2024, with the average days to close requests by response type, is below.

Volume of Requests
Reinvent Albany has requested ESD's FOIL logs for the past three years. Below is a summary of the total number of FOIL requests received and closed by ESD each calendar year.

Reinvent Albany Analysis: FOILs Received and Closed by ESD, 2022-2024

Chart: Reinvent Albany • Source: FOIL logs obtained from ESD by Reinvent Albany. • Created with Datawrapper
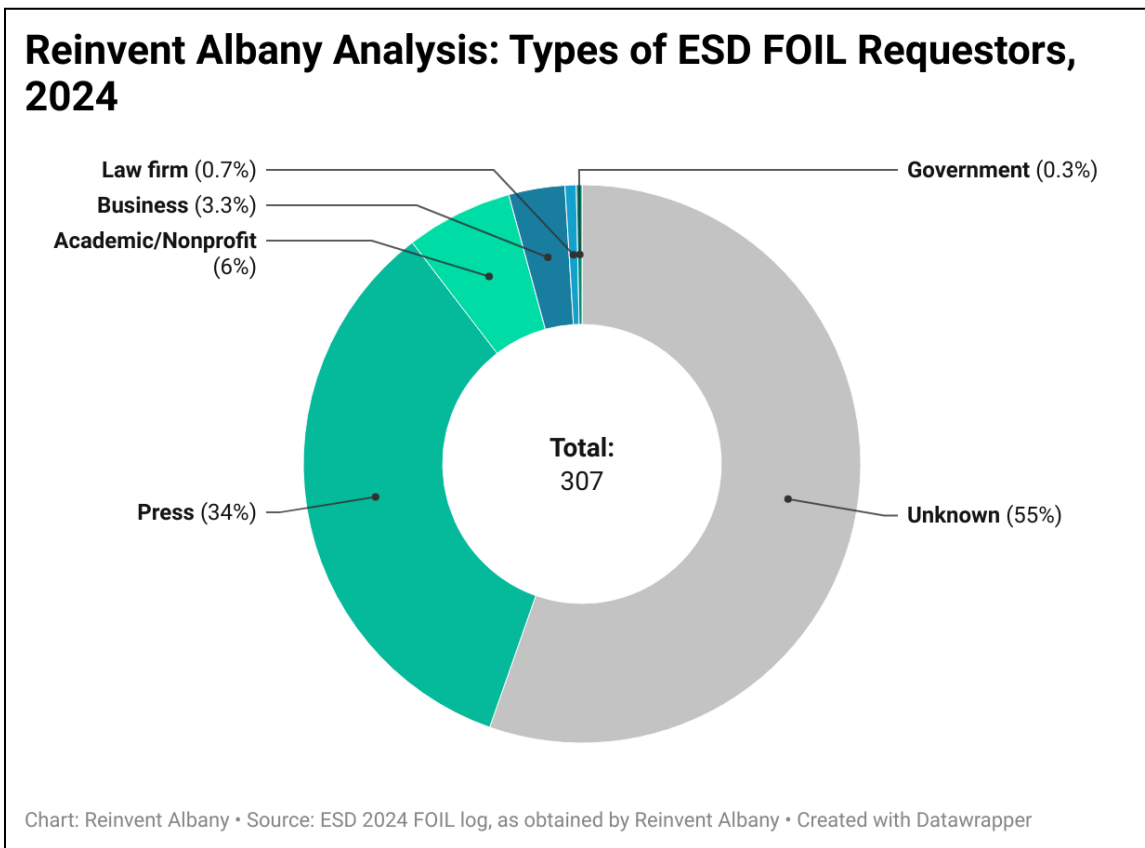
For the past two years, ESD appears to be catching up with its backlog, closing more requests that it receives each year.

Who is Requesting ESD Records? What Are They Looking For?
ESD received only 307 FOIL requests in 2024. Of these, 137 included the identity of the organization the requestor was affiliated with. However, the mix of organizations FOILing ESD

was very different from other agencies we reviewed, like the MTA and NYS DOT. Members of the press made up the largest number of requestors, filing 105 of the 307 requests (34%) which is a far higher share than the other four agencies. Academic or nonprofit organizations made 19 requests, 6% of the total. All other requestor groups were small: businesses filed 10 requests, law firms 2, and one request came from a government official.

Reinvent Albany Analysis: Types of ESD FOIL Requestors, 2024

Law firm (0.7%)
Business (3.3%)
Academic/Nonprofit (6%)
Government (0.3%)

Total:
307

Press (34%)
Unknown (55%)

Chart: Reinvent Albany • Source: ESD 2024 FOIL log, as obtained by Reinvent Albany • Created with Datawrapper

Reinvent Albany searched for common themes in the requests, finding that several major ESD projects were of interest to requestors – in particular the press. These included the Buffalo Bills Stadium and its associated "I Love NY Hospitality Suite"; the Micron chip fab in Clay, NY; and the Atlantic Yards project. Other common requests involved MWBE applications, and the Broadway Tax Credit. A listing of common request topics is below.

Reinvent Albany Analysis: Common Topics of ESD FOIL Requests, 2024

FOIL Topic	Number of Requests
Buffalo Bills Stadium/Suite	34
Micron	17
MWBE	16
Atlantic Yards	14
Tesla	10
Broadway Tax Credit	9
Belmont Park	7
Columbia University Development	3

Table: Reinvent Albany • Source: ESD FOIL logs provided to Reinvent Albany. • Created with Datawrapper

Response Times

Reinvent Albany examined the average number of days for ESD to close FOIL requests by looking at the closure times by requestor type, and by the outcome of the closure – the request was denied, no responsive records were found, or responsive records were sent, etc. Note that more requests were closed in 2024 than received; 322 requests were closed in 2024 while 307 were received, meaning that some requests closed in 2024 were from prior years.

Reinvent Albany Analysis: Types of ESD FOIL Requestors, Average Days to Close, and Total Requests by Group, 2024

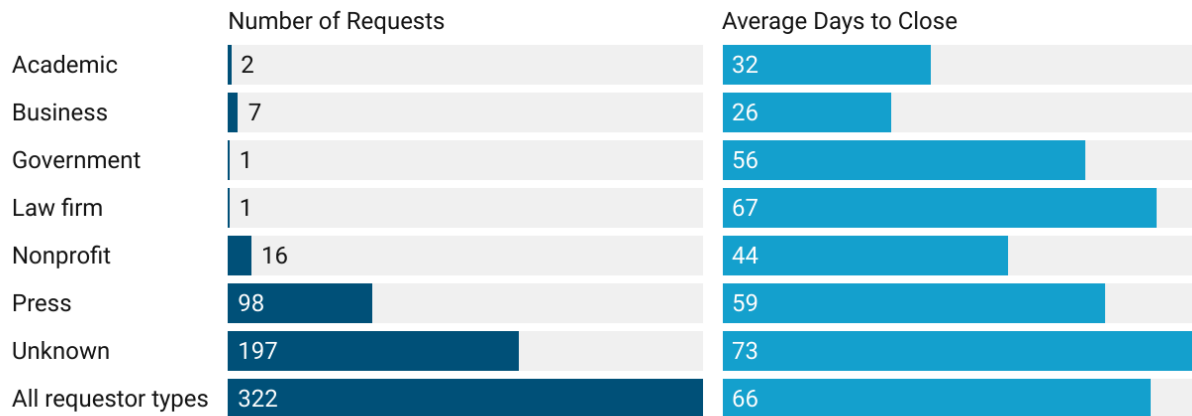|	Number of Requests	Average Days to Close
Academic	2	32
Business	7	26
Government	1	56
Law firm	1	67
Nonprofit	16	44
Press	98	59
Unknown	197	73
All requestor types	322	66

Chart: Reinvent Albany • Source: FOIL Logs provided by ESD to Reinvent Albany • Created with Datawrapper

By type of requestor, the time to close FOIL requests varied between 26 days (businesses) to 73 days (unknown) on average. Members of the press – who make the most requests of any groups – have their FOIL requests closed in less than two months, or 59 days. The average closure time for all requesters is 66 days, just over two months.

ESD laudably provided detailed information about how the FOIL requests were closed, including whether or not records were sent. Below is a breakdown of FOIL requests by outcome, including the average days to close. Note that the categorization below was provided by ESD in the FOIL log sent to Reinvent Albany. "Closed pursuant to stipulation" is in response to Article 78 proceedings (FOIL litigation), which may explain the lengthy time frame.

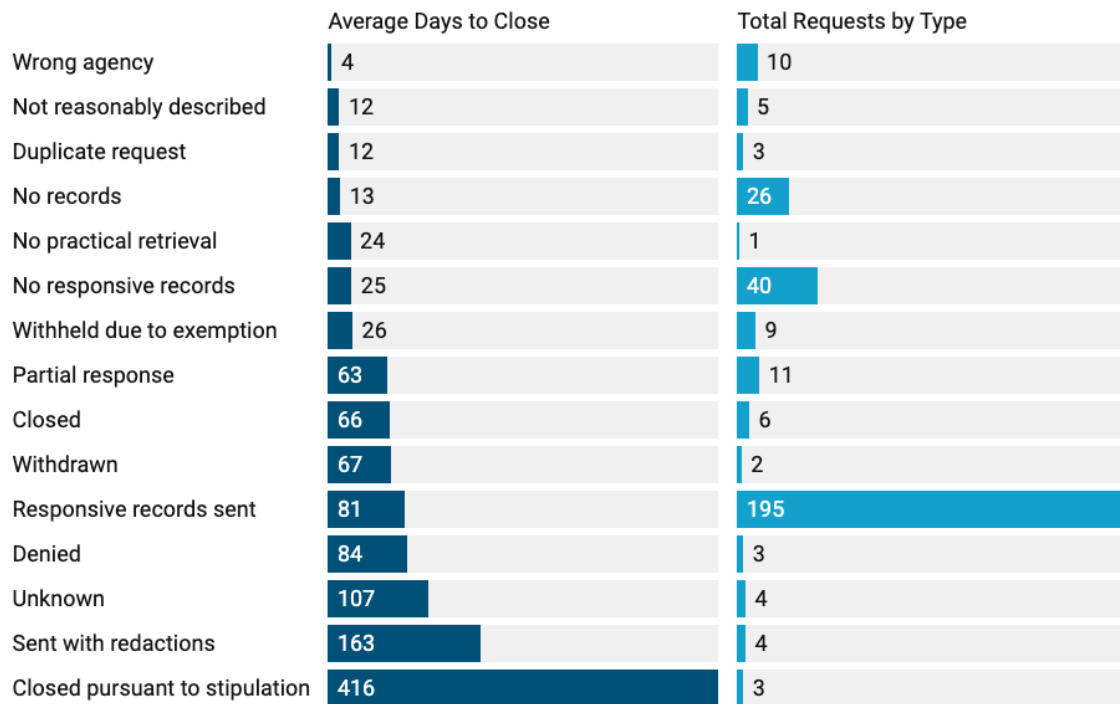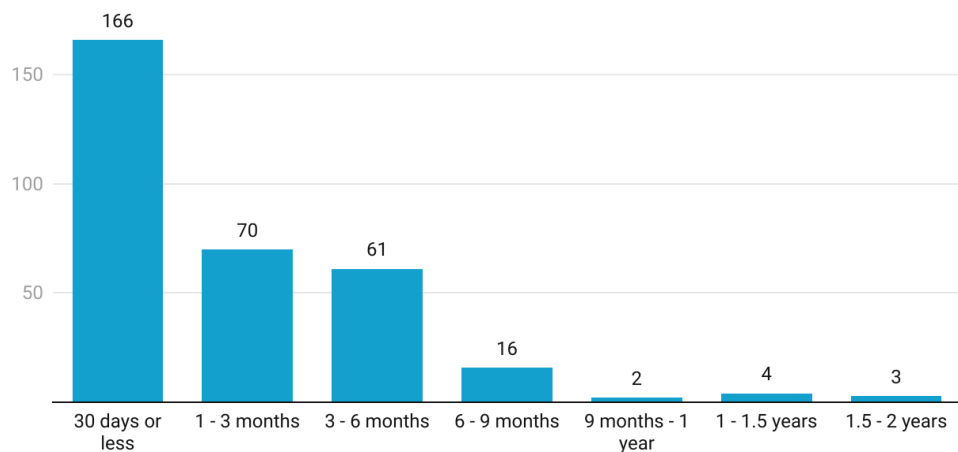**Reinvent Albany Analysis: Time to Close ESD FOIL Requests, by Outcome Type, 2024**

	Average Days to Close	Total Requests by Type
Wrong agency	4	10
Not reasonably described	12	5
Duplicate request	12	3
No records	13	26
No practical retrieval	24	1
No responsive records	25	40
Withheld due to exemption	26	9
Partial response	63	11
Closed	66	6
Withdrawn	67	2
Responsive records sent	81	195
Denied	84	3
Unknown	107	4
Sent with redactions	163	4
Closed pursuant to stipulation	416	3

Chart: Reinvent Albany • Source: FOIL Logs provided by ESD to Reinvent Albany • Get the data • Created with Datawrapper

Lastly, when examining the spread of FOIL response times, ESD closes most requests in 30 days or less (166 or 52% of requests), though had a small number of requests that took more than a year to close (7 or 2% of requests).

Reinvent Albany Analysis: ESD FOIL Closure Times, 2024

Closure Time	Count
30 days or less	166
1 - 3 months	70
3 - 6 months	61
6 - 9 months	16
9 months - 1 year	2
1 - 1.5 years	4
1.5 - 2 years	3

Source: ESD FOIL logs provided to Reinvent Albany • Created with Datawrapper

Recommendations for ESD

1. **Use the GovQA platform to proactively publish public records** that have been released via FOIL – "release to one, release to all." (Could be timed to publish fourteen days after being provided to the requestor.)
2. **Provide the email address for FOIL appeals on the GovQA portal and clearly state that appeals may be sent via email or through the portal,** and provide the name, email, and phone number of the FOIL appeals officer on the ESD FOIL website and GovQA portal.
3. **Identify new datasets for publishing on the NYS Open Data Portal.**

New York State Board of Elections

The State Board of Elections (SBOE) currently receives FOIL requests through the GovQA platform. Our FOIL request for the SBOE's 2024 FOIL log was responded to in 7 calendar days – an extremely quick turnaround time from our experience. For all requests we reviewed from the 2024 logs, the average time to close requests was a speedy 4 days.

The logs provided by SBOE were very detailed. They included information about the date of receipt, days open, status of requests, whether requests were fulfilled or denied, names and affiliations of requestors, the record desired, and a categorization of the type of record.

Currently, the SBOE provides information about how to appeal requests on its GovQA platform, and its FOIL website. However, a hard copy mail address is provided as well as a phone number. There is no option to email an appeal, and the name of the appeals officer is not provided.

While we appreciate SBOE's fast turnaround times for FOIL requests, the SBOE could significantly reduce its FOIL caseload by improving its campaign finance public reporting system to make it easier for the public to pull campaign finance data on their own. In response to a letter from advocates and other criticisms of the portal, the SBOE has been making updates to its reporting system to address some usability issues, but a larger overhaul is sorely needed.

Volume of Requests
The State Board of Elections received substantially more FOIL requests in 2024, likely due to the major federal and state elections occurring that year, as opposed to 2023. In total, SBOE received 2,157 requests in 2024, and closed 2,163, including a small number originally sent in 2023. In 2023, the SBOE received 1,488 requests, and closed 1,481 of those requests.

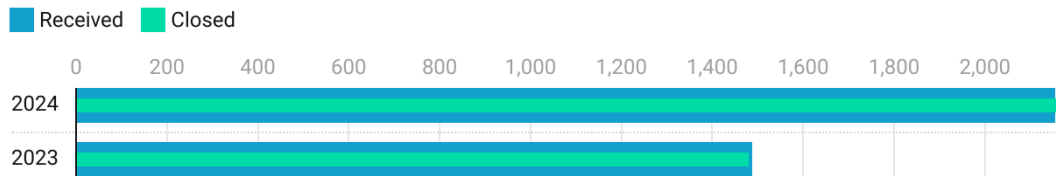**Reinvent Albany Analysis: FOILs Received and Closed by SBOE, 2023 and 2024**

Received   Closed

| | 0 | 200 | 400 | 600 | 800 | 1,000 | 1,200 | 1,400 | 1,600 | 1,800 | 2,000 |

2024

2023

Chart: Reinvent Albany • Source: FOIL logs obtained from SBOE by Reinvent Albany. • Created with Datawrapper

Who is Requesting SBOE Records? What Are They Looking For?

For the 2,157 FOIL requests received by SBOE in 2024, Reinvent Albany was able to categorize by type of requestor for less than half of the requests: 1,277 or 59% are listed as "Unknown" below. Businesses made 241 requests (11%), academic/nonprofit organizations 236 (11%), candidates or political committees 190 (9%), followed by the press (119 or 6%), and government officials or employees 14 (2.5%). Other requestor types made up a very small percentage, as shown below.

Reinvent Albany Analysis: Types of SBOE FOIL Requestors, 2024

Law firm (1.9%)
Government (2.5%)
Press (6%)
Candidate/Committee (9%)
Academic/Nonprofit (11%)
Business (11%)

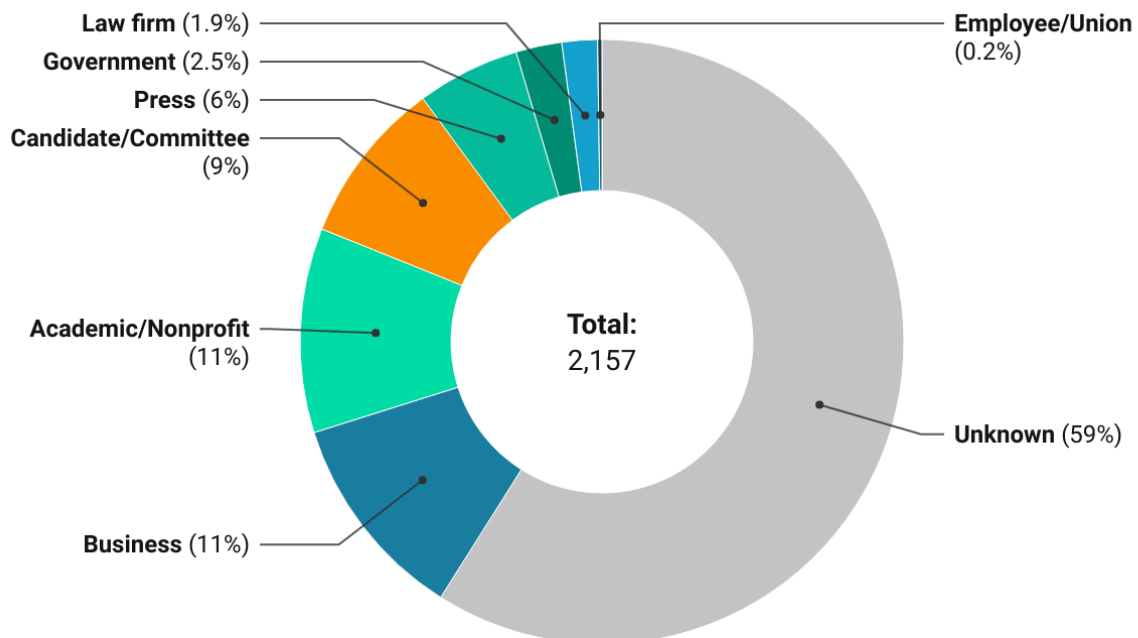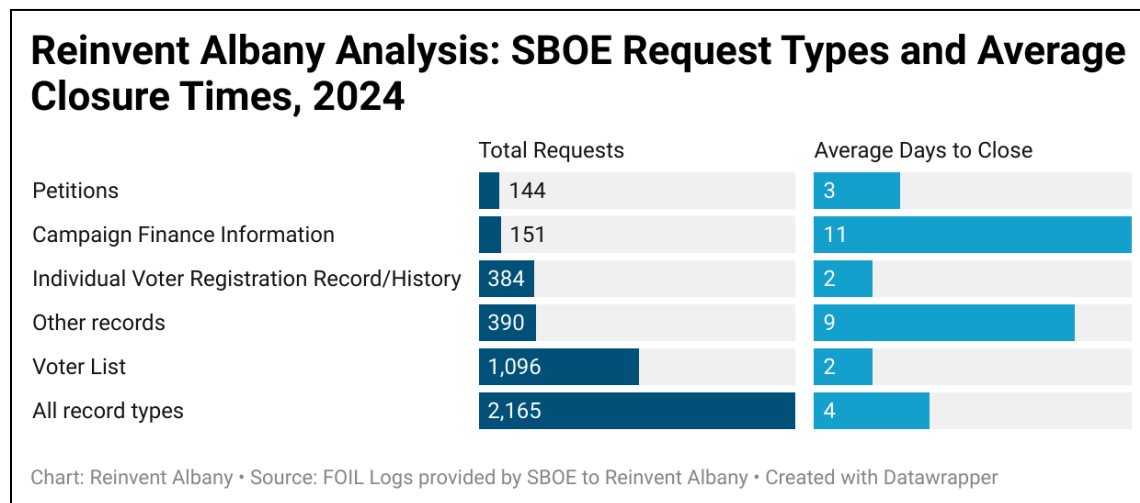Employee/Union (0.2%)

Total: 2,157

Unknown (59%)

Chart: Reinvent Albany • Source: SBOE 2024 FOIL log, as obtained by Reinvent Albany • Created with Datawrapper
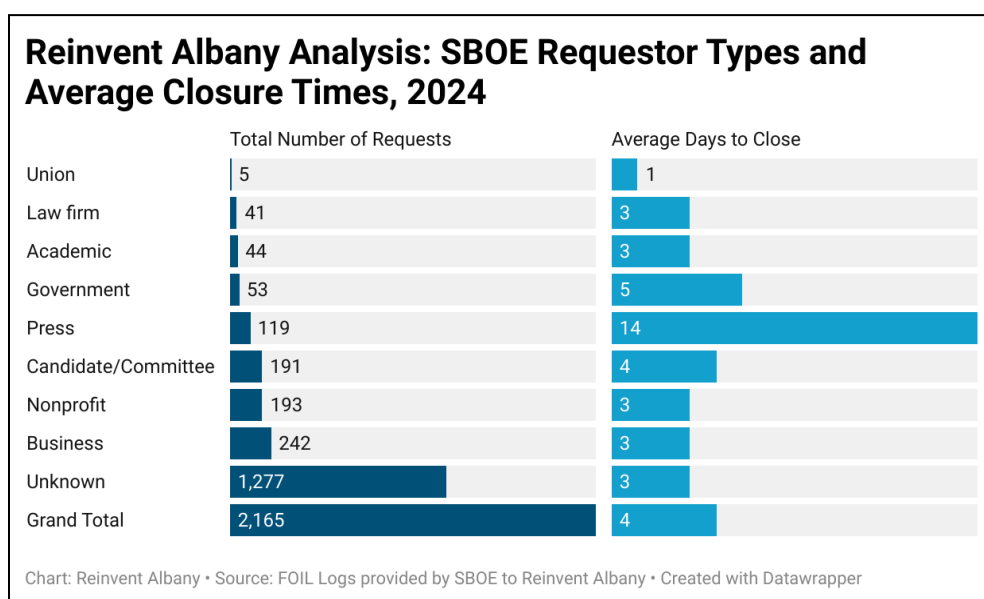
20

The most commonly requested record type was voter list: about half of requests were for these records (1,096 total), and they were closed in an average of 2 days. The type of record with the slowest response time was "campaign finance information," which still only took an average of 11 days to close. See a chart below of response times for all record types.

Reinvent Albany Analysis: SBOE Request Types and Average Closure Times, 2024

	Total Requests	Average Days to Close
Petitions	144	3
Campaign Finance Information	151	11
Individual Voter Registration Record/History	384	2
Other records	390	9
Voter List	1,096	2
All record types	2,165	4

Chart: Reinvent Albany • Source: FOIL Logs provided by SBOE to Reinvent Albany • Created with Datawrapper

Response Times
Overall, the SBOE closes record requests in an average of 4 days, despite the relatively high volume of 2,157 requests received. But for four pending requests, where partial responses were provided, payment was requested, or an extension was issued, all of the SBOE's requests from 2024 were closed within 30 calendar days.

When looking by requestor type, the spread of response times was very consistent, except for members of the press (which were still very fast compared to other agencies).

Reinvent Albany Analysis: SBOE Requestor Types and Average Closure Times, 2024

	Total Number of Requests	Average Days to Close
Union	5	1
Law firm	41	3
Academic	44	3
Government	53	5
Press	119	14
Candidate/Committee	191	4
Nonprofit	193	3
Business	242	3
Unknown	1,277	3
Grand Total	2,165	4

Chart: Reinvent Albany • Source: FOIL Logs provided by SBOE to Reinvent Albany • Created with Datawrapper

Recommendations for the SBOE

1. **Use the GovQA platform to proactively publish public records** that have been released via FOIL – "release to one, release to all." (Could be timed to publish fourteen days after being provided to the requestor.)
2. **Provide the email address for FOIL appeals on the GovQA portal and clearly state that appeals may be sent via email or through the portal,** and provide the name, email, and phone number of the appeals officer on SBOE's website and GovQA portal.
3. **Identify new datasets for publishing on the NYS Open Data Portal.**
4. **Improve the [campaign finance public reporting system](#)** to make it easier for the public to pull campaign finance data on their own, using focus groups to inform upgrades. (The BOE has hired a vendor to overhaul its data systems.)
5. **Consider creating a portal for voters to log in to see their own voting records**, with appropriate privacy protections.
6. **Automate requests for voter files**, understanding privacy/commercial purpose limitations.

Commission on Ethics and Lobbying in Government

The Commission on Ethics and Lobbying in Government (COELIG) was created in 2022, replacing the Joint Commission on Public Ethics (JCOPE). While JCOPE was exempted from the Freedom of Information and Open Meetings Laws, the 2022 law creating COELIG explicitly requires that it now be covered by these important transparency laws. COELIG currently uses a [FOIL request form on its website](#) rather than GovQA. The COELIG FOIL website also provides the emails and names of their records officer and appeals officer.

Reinvent Albany requested COELIG's FOIL logs for 2024 on January 4, 2025, and received them on February 2, 2025, 29 days later. We appreciate that COELIG's FOIL log is detailed, containing information about FOIL requestors, what they are looking for, dates of receipt, extensions, and closure, as well as the outcome of the closure – i.e., whether responsive records were sent in full, part, or denied.

COELIG is the only agency that provided Reinvent Albany with data regarding the number of pages of records released via FOIL in its log. Below is a summary of what this data tells us.

- 51,409 pages were sent for the 191 requests COELIG closed in 2024.
- The average number pages sent per fulfilled request was 27.
- The median number of pages sent per fulfilled request was 32.

Data regarding the number of pages sent is meaningful, because it provides the public with a better sense of the scope of the FOIL request, and the potential difficulty for the agency in retrieving the records.

Lastly, COELIG staff provide monthly FOIL compliance data as part of its monthly operations report. This is an important best practice, and ensures that the leadership of the agency is monitoring the performance of the agency in responding to records requests. Below is an

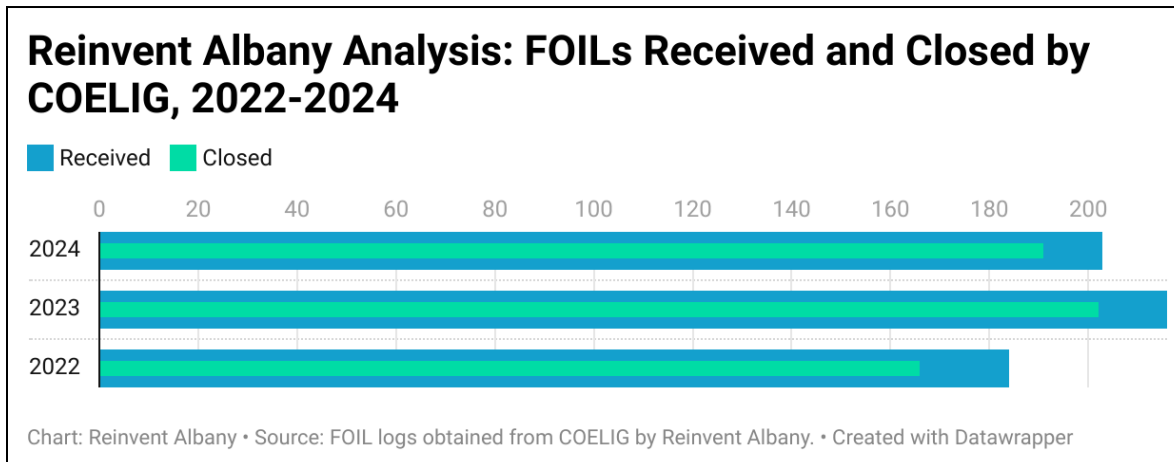excerpt from the operations report from the May 2025 COELIG commissioners meeting:

COMMUNICATIONS OFFICE	2025 Monthly Count April 2025	2025 Prior Month Count March 2025	2024 Monthly Count April 2024	2025 Year-to-Date Jan 1 – Apr 30 2025	2024 Year-to-Date Jan 1 – Apr 30 2024
Record Access Requests	8	14	16	50	63
Records Provided[9] and Total Number of Pages	10 / 472	11 / 418	16 / 1,365	41 / 3,004	59 / 34,437
Record Requests Pending	21[10]	18	7	--	--

Note. From COELIG'S Monthly Operations Report, April 2025
https://ethics.ny.gov/system/files/documents/2025/05/b.-monthly-operations-report-april-2025-final.pdf

Volume of Requests
The Commission on Ethics and Lobbying in Government received 203 FOIL requests in 2024, and closed 191 of those requests. This is similar to past years; in 2023, COELIG received 216 requests, and closed 202 of its requests. As noted previously, the logs provided by COELIG only had information about the closure dates of requests received that year. Below is a chart of FOILs received and closed by COELIG from 2022-2024. As noted above, COELIG was first created in July 2022, so some of the requests made in 2022 were originally sent to its predecessor, JCOPE.

Chart: Reinvent Albany • Source: FOIL logs obtained from COELIG by Reinvent Albany. • Created with Datawrapper

Who is Requesting COELIG Records? What Are They Looking For?
For the 203 FOIL requests received by COELIG in 2024, Reinvent Albany was able to categorize by type of requestor for more than half of the requests: 80 or 39% are listed as "Unknown" below. Most requests appear to be sent by the press; 45 or 22% of requests were made by reporters. Businesses made 34 requests (17%), nonprofits 22 (11%), government officials or employees 14 (7%), and candidates or political committees 8 (4%).

Reinvent Albany Analysis: Types of COELIG FOIL Requestors, 2024

- Government/Employee (7%)
- Candidate/Committee (3.9%)
- Nonprofit (11%)
- Unknown (39%)
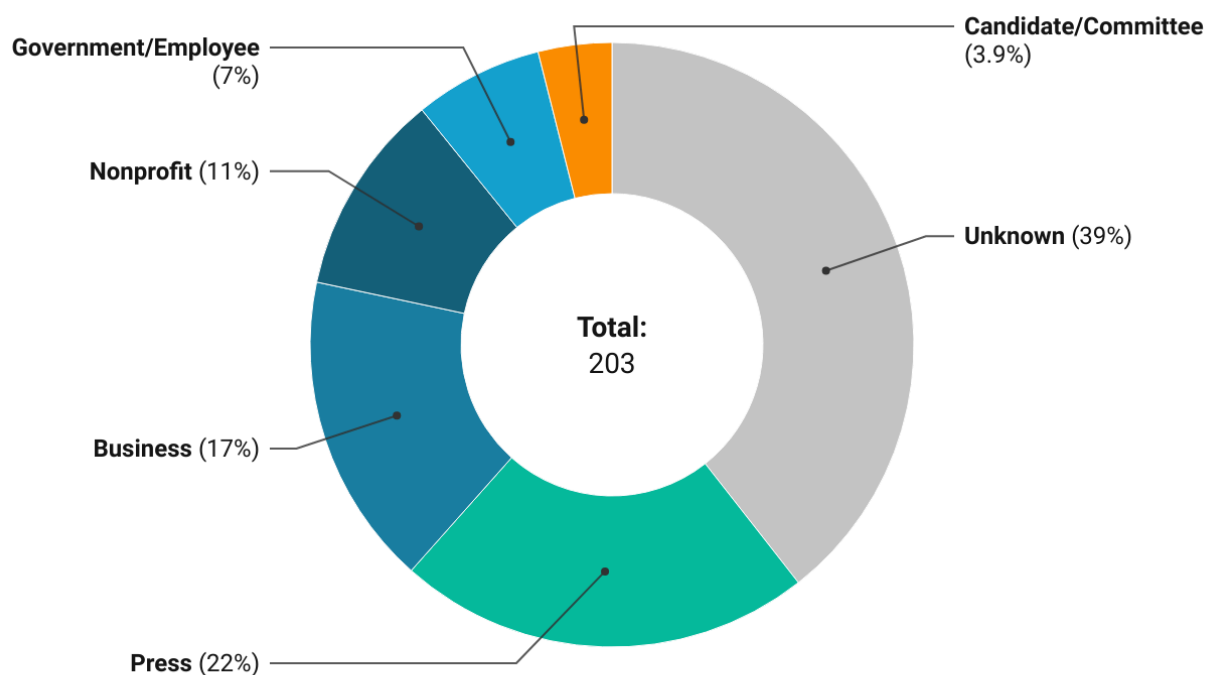- Business (17%)
- Press (22%)

Total: 203

Chart: Reinvent Albany • Source: COELIG 2024 FOIL log, as obtained by Reinvent Albany • Created with Datawrapper

Reinvent Albany Analysis: COELIG Requestor Types and Response Times, 2024

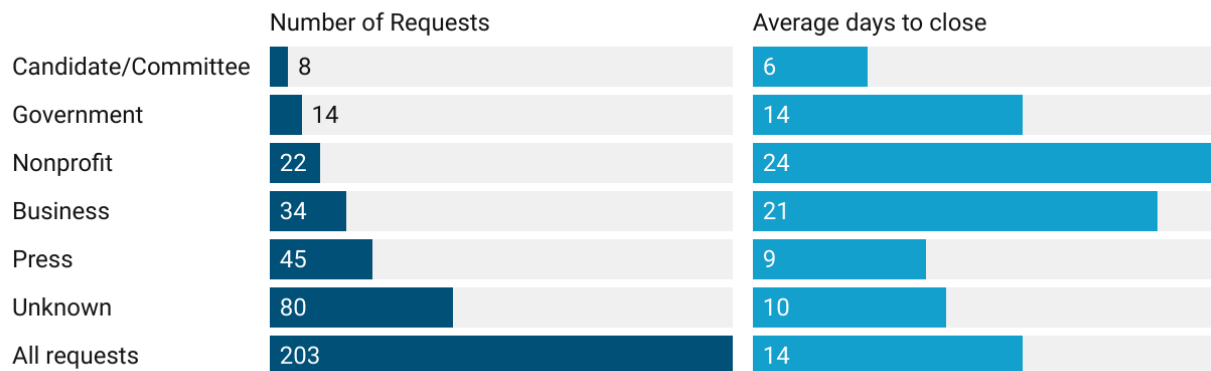|	Number of Requests	Average days to close
Candidate/Committee	8	6
Government	14	14
Nonprofit	22	24
Business	34	21
Press	45	9
Unknown	80	10
All requests	203	14

Chart: Reinvent Albany • Source: FOIL Logs provided by COELIG to Reinvent Albany • Created with Datawrapper

Response Times

The most commonly requested records were financial disclosure statements; these made up 135 or 66% of requests, and were closed on average in 8 days, as shown below. Requests that took longer involved COELIG payments (5 requests with an average closure time of 30 days) and records of enforcement matters (16 requests averaging 29 days).

Reinvent Albany Analysis: COELIG Request Types and Response Times, 2024

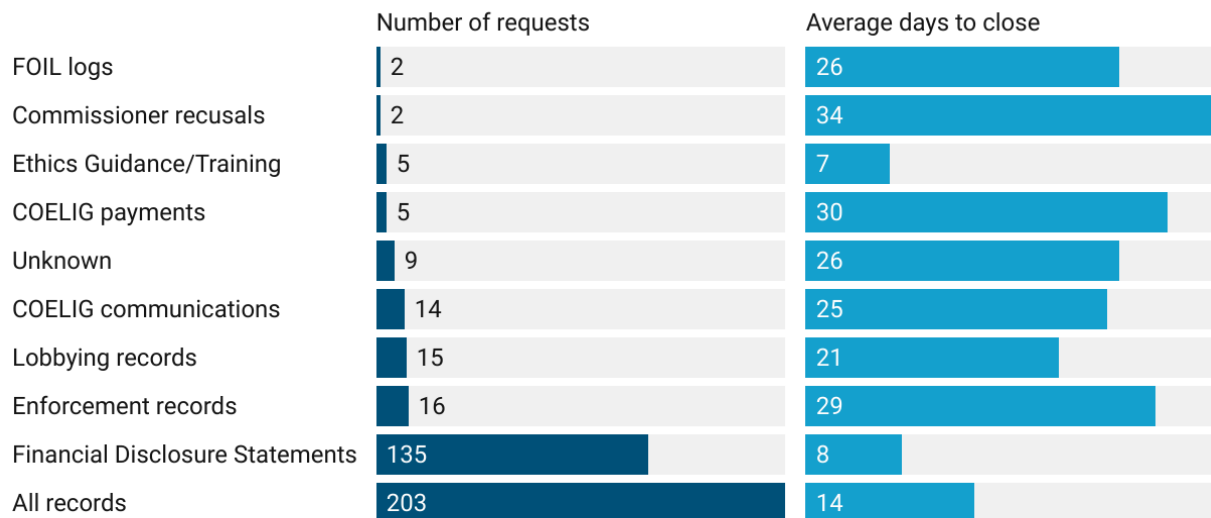|	Number of requests	Average days to close
FOIL logs	2	26
Commissioner recusals	2	34
Ethics Guidance/Training	5	7
COELIG payments	5	30
Unknown	9	26
COELIG communications	14	25
Lobbying records	15	21
Enforcement records	16	29
Financial Disclosure Statements	135	8
All records	203	14

Chart: Reinvent Albany • Source: FOIL Logs provided by COELIG to Reinvent Albany • Created with Datawrapper

The average closure time was 14 days. In general, COELIG's FOIL logs showed that requests were closed in 3 months or less. Note that the logs did not appear to include requests made in prior years, but closed in 2024. Below is a chart of the spread of response times.

Reinvent Albany Analysis: COELIG FOIL Closure Times, 2024

Source: COELIG FOIL logs provided to Reinvent Albany • Created with Datawrapper
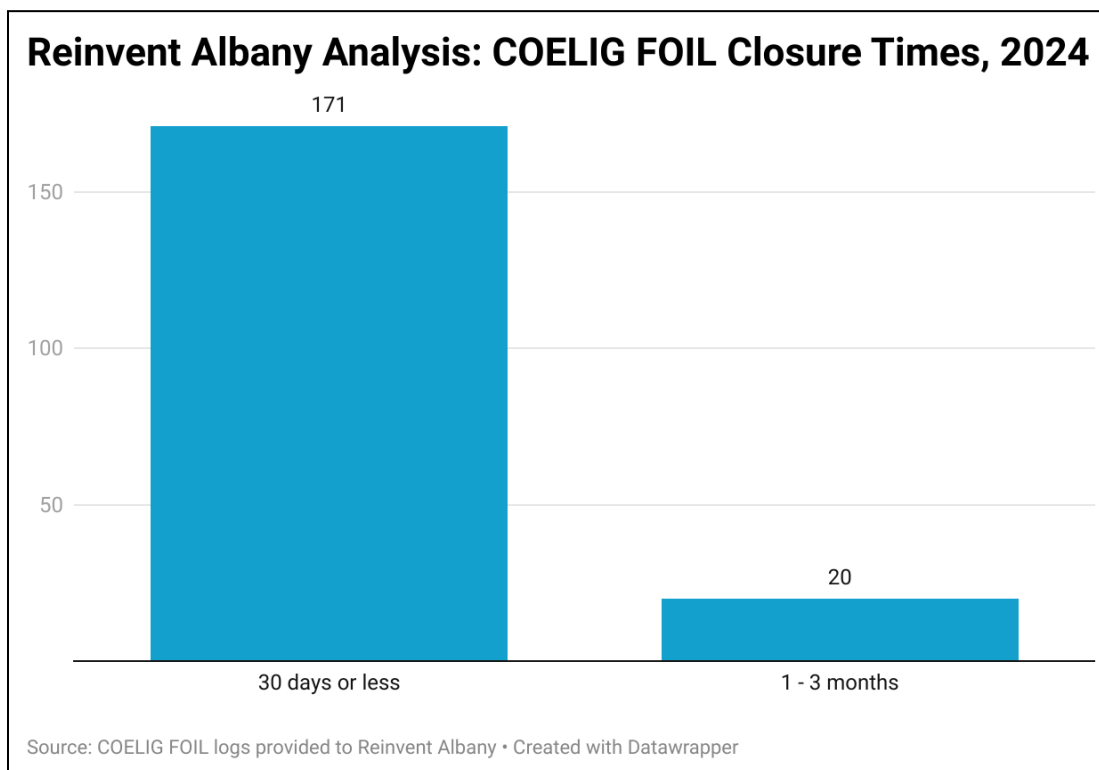
Recommendations for COELIG

1. **Proactively publishing *public* records released via FOIL on COELIG's website** – "release to one, release to all." (Could be timed to publish fourteen days after being provided to the requestor.)
2. **Provide data about average time to close FOIL requests in monthly operations reports.**
3. **Include FOIL requests both received and closed** on each calendar year's FOIL logs.
4. **Continue examining potential datasets for release on the state open data portal.**
5. **Continue to educate the public about data available on COELIG's website**, including its public search query, financial disclosure forms that are published on its website, and its open data on data.ny.gov.
6. **Continue to advocate for legislation that would enable financial disclosure statements for state candidates to be published online,** S4857 (Skoufis) / A463 (Paulin). This is one of COELIG's legislative agenda items.