



Reinvent Albany Testimony to the NYC Council Committee on Technology

**Re: Intro 1235 Strengthens the NYC OpenRecords Website,
Improving How Agencies Respond to FOIL Requests**

June 26, 2025

Good morning Chairs Gutiérrez and De La Rosa, Councilmember Brewer, and other members of the Committees on Technology and Civil Services & Labor. Thank you for holding this hearing today. I am Rachael Fauss, the Senior Policy Advisor for Reinvent Albany. We advocate for transparent and accountable New York government. We were instrumental in drafting and passing New York City's 2012 Open Data Law and subsequent amendments, and were actively involved in the creation of the highly successful [OpenRecords](#) portal.

We strongly support [Intro 1235](#) – which is sponsored by Councilmember Gale Brewer with the support of 23 additional councilmembers. We believe this bill will dramatically improve agency responses to Freedom of Information Law (FOIL) requests. Intro 1235 is supported by 13 transparency, civil liberties, environmental, and government watchdog and journalism groups, who submitted a [memo of support](#) yesterday.

The City Council has historically been a great champion of improving agency compliance with the state's Freedom of Information Law and we are glad to see you continuing this civic tradition. At the request of then-Borough President Brewer, the Council [introduced legislation in 2014](#) that was similar to this bill, however, the [OpenRecords](#) portal was ultimately created administratively.

We appreciate the Department of Records' (DORIS) outstanding work building, maintaining and improving the OpenRecords portal. DORIS has done wonders with the authority it has and has improved processing and tracking FOIL requests. Unfortunately, despite DORIS's best efforts with the portal, many agencies struggle to provide the public with timely and complete responses to FOIL requests and some agencies appear to actively resist disclosing public records. (Importantly, the OpenRecords portal allows the public to much more easily track basic information about FOIL requests and see which agencies are leaders and laggards.)

Reinvent Albany’s report, [NYC Government Flouting Freedom of Information Law \(April 2025\)](#), looked at FOIL request data from OpenRecords. Since the portal was created, more than half a million FOIL requests have been submitted through OpenRecords.

Unfortunately, expert FOIL staff at NYC agencies estimate the OpenRecords portal is currently only logging about half of all FOIL requests – and this 50% of requests is what our report is based on. A summary of the report’s findings is below.

- 16% of requests submitted via OpenRecords in 2024 were still open a year later.
- A number of agencies have horrendous response times.
 - The Department of Corrections takes an average of *485 days* to respond.¹
 - The Office of the Mayor takes an average of *283 days* to respond.
- Many agencies do not publish records released via FOIL, even though “release to one, release to all” was the intent when OpenRecords was launched in 2014.

Based on the OpenRecords portal, below are some of the agencies that currently have the biggest backlog of FOIL requests. Please note that agencies began using the portal in different years (Office of the Mayor in 2016, NYPD in 2018, and Department of Correction in 2020).

Reinvent Albany Analysis: NYC FOIL requests still open, by agency and year of original submission

Requests listed each year remain open as of 6/12/2025

Agency	2016	2017	2018	2019	2020	2021	2022	2023	2024	% and number of requests still open, all years (including 2025)
Office of the Mayor	33	3	23	57	66	56	101	384	427	12% (1,268)
FDNY				19	269	591	601	3,013	6,827	14% (15,375)
NYPD			103	143	1,308	2,385	3,738	6,467	9,230	19% (35,419)
Department of Correction					100	122	119	354	314	30% (1,291)
Department of Education	12	21	70	247	216	361	349	577	680	68% (4,425)

Agencies selected represent those with a higher number of open requests. See "New York City Government Flouting Freedom of Information Law" for more information: <https://reinventalbany.org/2025/04/report-new-york-city-government-flouting-freedom-of-information-law/>

Table: Reinvent Albany • Source: OpenRecords • Created with Datawrapper

Intro 1235 will better allow the public and City Council to hold agencies accountable for delays and their failure to comply with FOIL – New York’s fundamental transparency law. Importantly, Intro 1235 is the next logical step in transparency beyond the city’s Open Data Law, because it mandates publishing public records online 14 calendar days after they are sent to the person making a FOIL request. This gives journalists a head start on stories they are working on.

¹ “Respond” means to provide or deny some or all of the requested records. “Acknowledge” means the agency informs the requestor it got the records request.

We note that “release to one, release to all” is already used by a number of other government bodies – including the [Port Authority of New York and New Jersey](#), [LA Metro](#), and the [U.S. Environmental Protection Agency \(EPA\)](#), among others.

The bill both codifies *and* expands the OpenRecords portal per the chart below.

Reinvent Albany Comparison <i>Current OpenRecords Portal vs. Intro 1235 Requirements</i>		
Feature	Current OpenRecords Portal	Intro 1235 Requirements
Requires use by all NYC agencies	No	Yes
Publishes key dates: receipt, acknowledgement, responses, extensions, determinations, appeals, Article 78 proceedings	Partial ; no dates on appeals, Article 78 proceedings	Yes
Publishing of public records released via FOIL	Optional ; not required	Yes ; public records published 14 days after sent to requestor
Searchability of requests and published records	Partial ; requests are searchable, but limited to the data fields provided. There is no way to search published records.	Yes ; required for requests and full text search for published records
Automated Programming Interface (API) access	No	Yes
Provides data on fees paid by public for records; attorneys’ fees paid by agencies for improper denials	No	Yes
Directory listing names and contact information of FOIL officers and appeals officers at each agency	No	Yes
Monthly statistics by agency about number of requests received, outstanding, and average resolution times	No ; Reports section of portal only shows open and closed requests by agency over lifetime of portal.	Yes
Performance reporting via Mayor’s Management Report	No	Yes
Twice yearly communications from Department of Records and Information Services to agency FOIL staff about best practices and updates to portal	No	Yes

We urge the Council to pass the bill, and the Mayor to sign it. Thank you for allowing me to testify today. I welcome any questions you may have.