



MEMO OF SUPPORT

[S10098 \(Skoufis\) / A10759 \(Raga\)](#)

Reduces time public must wait to appeal FOIL delays and denials

May 8, 2026

TITLE OF BILL

An act to amend the public officers law, in relation to time frames for responding to requests for records under the freedom of information act.

STATEMENT OF SUPPORT

Our groups support this legislation because we believe it will foster a more transparent state government by reducing the time the public must wait before appealing the delay or denial of Freedom of Information Law requests.

We believe New York government agencies are severely undermining the Freedom of Information Law by routinely failing to provide records for months or even years. Regardless of agency motives, our experience is that agencies regularly delay the FOIL process far past the statutory requirement.

FOIL is broken in New York State. While the absence of FOIL reporting makes it difficult to see how long agencies take to respond to FOIL requests on average, the available data and anecdotes from the public suggest that many FOIL requests are not completed, and agency delays can make the process drag out interminably.

This bill provides that requests are deemed constructively denied if the agency does not

respond in a timely manner, which will incentivize agencies to acknowledge and complete requests more quickly, as well as enable requesters to sue for records more quickly when agencies do not comply with the law. The phase-in of a sixty-day deadline also ensures that requests are not subject to endless delays.

We urge the Governor to sign the bill.

SUMMARY OF PROVISIONS

Section 1 amends Public Officers law §89(3)(a) to provide that agencies shall abide by the new deadlines set out in 3-a(a).

Section 2 adds a new subdivision 3-a(a) phasing in the following deadlines by which agencies must provide records in response to FOIL requests:

- Within 180 days for requests made prior to December 31, 2027
- Within 90 days for all requests made in 2028
- Within 60 days for all requests made from 2029

In paragraph (b), the bill provides exceptions under which agencies may instead make the records available “as soon as possible”:

1. Federal law prevents the agency from reviewing or providing records within the timeframe;
2. Agency employees cannot safely access records; or
3. The request is too voluminous for agencies to respond to within the timeframe.

In paragraph (c), the bill provides that when agencies cite the exceptions, they must notify the requester in writing and explain what steps are being taken to make the records available as soon as possible, and provide monthly updates on their progress. These notifications must also be made to the Committee on Open Government and signed by the agency commissioner.

Section 3 states that the act takes effect on January 1, 2027, provided, however, that it shall not apply to records involved in litigation regarding trade secrets.