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**DECEMBER 2023**

**2023 REPORT TO THE GOVERNOR  
AND STATE LEGISLATURE**

Knowledge will forever govern ignorance; and a people who mean to be their own governors  
must arm themselves with the power which knowledge gives.

– James Madison



**Committee on  
Open Government**

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## I. INTRODUCTION

A free society is maintained when government is responsive and responsible to the public, and when the public is aware of governmental actions. The more open a government is with its citizenry, the greater the understanding and participation of the public in government.

Legislative Declaration, Freedom of Information Law (“FOIL”)  
Public Officers Law (POL) § 84

Last year the Committee on Open Government (“Committee”) warned about the “new normal” of virtual meetings, remote work, and staffing shortages. The Committee encourages government bodies at every level to refocus on their obligation to be transparent to the public, an obligation the Legislature has recognized to be of paramount importance to a properly functioning democracy. We emphasized that problems of access, disclosure delays, compliance failures, statutory ambiguities, and perceived stonewalling were contributing to a growing sense among New Yorkers that some government bodies are emboldened to ignore their Open Meetings, FOIL and other transparency responsibilities.

As detailed below, we urge the Legislature and the Governor to act now on several fronts, to:

- Reform FOIL to ensure more effective and efficient: (i) oversight of decisions to deny access to reduce the burden on those seeking access to government records; and (ii) enforcement of this statute;
- Require agencies subject to FOIL to collect and annually report FOIL statistics;
- Mandate more proactive disclosure of information on agency websites;
- Clarify existing ambiguities that have contributed to confusion concerning: (i) the 2020 repeal of § 50-a of the Civil Rights Law and associated FOIL amendments; (ii) the deadlines for FOIL compliance; and (iii) the definition of a “public body” subject to the Open Meetings Law (“OML”);
- Require all public bodies to stream their open meetings on the Internet, subject to resource availability; and
- Ensure meaningful transparency and accountability for algorithms and machine learning technologies used to conduct government business.

In addition, this Report addresses the impact of Chapter 56 of the laws of 2022, which sought to increase public access by authorizing an additional method for public bodies to conduct government business remotely when extraordinary circumstances exist. Included within this report is a supplement “concerning the application and implementation of [§ 103-a of the OML] and any further

recommendations governing the use of videoconferencing by public bodies to conduct meetings pursuant to this section.” POL § 103-a(4).

## II. PROPOSALS

### A. Need for More Effective and Efficient Oversight of Open Government Compliance

The Committee once again urges reform of the system for oversight of agency compliance with FOIL and OML obligations. As described in past reports, the current statutory construct for appeal and enforcement imposes an expensive and time-consuming burden on citizens seeking redress for violations of the open government statutes. This Committee itself has no enforcement powers but is keenly aware of the need for a more efficient and inexpensive way to process and resolve compliance disputes.

Proposals currently before the Senate and Assembly noted below recognize these concerns and propose alternative mechanisms to minimize the burden of enforcing open government laws. As reflected in these proposals, and in examples of improved enforcement mechanisms recently adopted in several other states, there are multiple ways to achieve the desired expertise, uniformity and efficiency in the resolution of disputes.

This issue deserves the immediate attention of the Governor and the Legislature. A revised framework for providing government transparency in New York that leverages new technology, simplifies procedures, and allows prompt dispute resolution at an administrative level can reduce costs, increase citizen engagement, and promote government accountability. While the Committee lacks sufficient information on the ramifications for state and local governmental agencies to recommend a specific revision, improved enforcement measures are needed. We urge the Legislature to investigate new ways for achieving timely and cost-effective access to government information through improved oversight and enforcement mechanisms. After nearly fifty years, the time for such a comprehensive review and overhaul is long overdue.

#### [NY State Assembly Bill 7933-A](#)

Introduced by Assemblymember Rosenthal, A7933 amends the Public Officers Law to add a new Article 9 to create a special proceeding for FOIL and OML reviews. The proposed legislation directs the chief administrator of the courts to establish a FOIL and OML review program in the supreme court, whereby individuals may file a petition for review of open government claims. The cost to the petitioner for this judicial review would be significantly less than the cost of initiating Civil Litigation (a \$50.00 filing fee would be the sole cost). The petition would be reviewed by a hearing officer from a panel appointed by the chief administrator of the courts. The Committee cannot know the full impact of this proposal on the Office of Court Administration or the fiscal or administrative burden it might impose on the court system. (There is a similar bill, [NY State Assembly Bill 5707](#), with similar benefits and concerns.)

However, the Committee believes that this proposal might help citizens who currently believe that access to further assistance once an agency has denied their appeal for records is impossibly expensive, complicated, and time-consuming, and could have the result of imposing some consistency among decisions that would assist agencies seeking clarity on close questions of compliance with existing law.

#### [NY State Senate Bill 2865](#)

Introduced by Senator Skoufis and Assemblymember Zebrowski, S2865/A5614 expands the powers and duties of the Committee on Open Government to establish a process to receive notices of appeal from an aggrieved party relating to both FOIL and the OML. The bill also grants investigative authority to the Committee and the ability to impose civil penalties for violations. As with the bill discussed just above, the Committee believes this proposal could assist seekers of records by simplifying the process of obtaining a remedy for non-compliance and could have the beneficial result of imposing some consistency among decisions that would assist agencies seeking clarity on close questions of compliance with existing law. However, to fulfill these responsibilities, the Executive Director would require significant additional staffing and resources identified in the statute. In addition, the Committee would need explicitly identified statutory support from the agencies maintaining the records as subject matter experts to ensure a full understanding of the content and the concerns relating to disclosure. The Committee has concerns relating to the administrative and financial burden this legislation would impose on agencies relating to the obligation to providing the Committee with access to the subject records.

#### [NY State Senate Bill 3438](#)

Introduced by Senator Skoufis and Assemblymember Vanel, S3438/A6831 empowers the Committee to assign appeals officers to review appeals of decisions by agencies, removing the appeal process from the agency level. The appeals officers assigned by the Committee would have the power to issue orders and opinions and, if necessary, to hold hearings. Additionally, the bill directs the Committee to establish an informal mediation program to resolve disputes. This proposal has similar benefits and concerns as the two proposals discussed just above.

#### [NY State Senate Bill 1641](#)

Introduced by Senator Tedisco and Assemblymember McGowan, S1641/A4633 imposes certain administrative obligations on state agencies (“any state department, division, commission, public authority or public corporation”). When a state agency grants a request for records from a person and the records are not made available within thirty days of such request, the head of such agency shall have a duty to review such request and direct such agency, in writing, to make the records available to the person who made the request no later than ninety days from the date of such request, and to ensure such records are made available. When a state agency receives a request for records and provides a statement of the approximate date when such request will be granted or denied, the head of such agency shall have a duty to direct such agency, in writing, to make such determination no later than

thirty days from the date of such request, and to ensure such determination is made by such agency within such time. When a state agency has not denied a request for records or made records available within thirty days of a request for records, the head of such agency shall sign a certification affirming certain actions taken by the head of the agency, under penalty of perjury, which shall be signed and posted on the agency's website within forty-five days of the date of the request.

If such state agency fails to determine to grant or deny a request within forty-five days of the request, or fails to make the requested records available within ninety days of the request, the governor, and any senior appointed staff member of the governor, shall each sign a separate certification, under penalty of perjury, which shall be signed and posted on the governor's website within sixty days after the record request and shall state whether the governor, or any senior appointed staff member, directed such state agency, in writing, to determine within forty-five days of the request and whether the governor, or any senior appointed staff member, directed such state agency to make the requested records available within ninety days of the request, if such agency granted such request.

Additionally, the proposal amends the penal law to criminalize as a class B misdemeanor a failure on behalf of a state agency to comply with FOIL where the governor, any senior appointed staff member of the governor, or the head of a state agency has a duty to review a request for records, to direct a state agency to make a determination, to direct a state agency to make records available in response to a request for records, or a duty to provide a signed certification, and such person, with intent, fails to do one or more of the above duties imposed by law.

The Committee does not have sufficient information concerning the potential logistical (such as the statutorily required trade secret designation and review process), financial, and staffing impacts of this proposal at the agency and executive chamber levels, but notes that while it supports legislation that makes agencies more accountable in relation to FOIL compliance, it cannot support the imposition of criminal penalties on a public officer for failure to comply with FOIL.

#### [NY State Senate Bill 5801-A](#)

Introduced by Senator Liu and Assemblymember Steck, S5801-A/A5357-A amends the attorneys' fees provisions of both FOIL and the OML to mandate the award of attorneys' fees for all successful petitioners (removes the word "substantially" from the prior standard of "substantially prevailed," leaving simply all who "prevail" in their action). The Senate version of the bill passed the Senate on June 7, 2023, and was thereafter delivered to the Assembly and referred to committee. This proposal has the support of transparency advocacy groups such as the Coalition on Open Government and Reinvent Albany. The Committee supports this proposal as it removes significant ambiguity and subjectivity from the analysis of the award of attorneys' fees and the Committee also believes that the proposal serves as a concrete disincentive for noncompliance with FOIL.

[NY State Senate Bill 5174](#)

Introduced by Senator Jackson and Assemblymember Thiele, S5174/A5118 amends the attorneys' fee provision of FOIL to make permissive the assessment of certain fees and costs upon wrongful denial of access to records under FOIL when either the person has substantially prevailed, or if the agency failed to respond within the statutory time. The Committee supports this proposal because it serves as a disincentive for noncompliance with FOIL.

[NY State Senate Bill 1063](#)

Finally, we note that Senators Hoylman-Sigal and Rivera and Assemblymember Steck have introduced legislation ([S1063/A4429](#)) which would amend the New York State Constitution to create a fundamental right of the people to public information. This bill was submitted to the Office of the Attorney General for an opinion and that opinion has been referred to the Judiciary Committee. While the concept of a constitutional declaration concerning access to public information is laudable and non-controversial, the Committee believes that the legislative solutions discussed herein that provide concrete assistance and clarification of the current law are more likely to resolve persistent issues of noncompliance with law.

**B. Need for Improved FOIL Data Collection**

Currently, FOIL requires agencies to send to the Committee a copy of each appeal received and the corresponding determination. *See* POL § 89(4)(a). While the Committee reviews each appeal determination for compliance with law and performs outreach where there is an obvious opportunity for education, there is additional information, such as the number of requests received or average response time, that the Committee currently cannot track either due to lack of information provided or lack of resources.

Additional data collection regarding agency FOIL responses, including data concerning response times, number of requests, and request outcomes, would enable the Committee to monitor compliance, identify more readily problematic areas, and recommend specific changes to remediate consistent or systemic misunderstandings or other issues. For example, the Committee hears public feedback suggesting that some requesters experience extended wait times for FOIL responses from some agencies. Requiring agencies to provide data concerning these data elements would allow the public to understand average response times within agencies and across agencies; this would reveal the extent of any perceived problem concerning FOIL related delays.

The Committee fully supports proposals from advocacy groups such as the New York Coalition for Open Government and Reinvent Albany that would require agencies to track certain FOIL metrics and either post them to their websites or report them annually to the Committee.

### **C. Need for Additional Proactive Disclosure**

The Committee on Open Government has long called for improved transparency through proactive disclosure. While the Legislature has passed and amended some laws to strengthen government transparency, we continue to believe that New York must improve access to government records, and we support legislation seeking to broaden proactive disclosure.

Several bills (*e.g.*, [S3371/A2787](#), [S802](#), and [S3438/A6831](#)) have been introduced this term that seek to advance this goal to varying degrees, but none has been adopted. The Committee urges the Legislature to be thoughtful and deliberate in crafting of this legislation, with an eye toward avoiding vague language and implementation delays that will frustrate its purpose, while also keeping in mind the administrative and financial realities faced by agencies.

In 2023, Senator Kavanagh and Assemblymember Rozic reintroduced legislation ([S623/A1436](#)) which would authorize and direct the Committee to study proactive disclosure as a means of increasing transparency and access to government information. The Committee agrees that this proposal could greatly assist with an understanding of the needs associated with this issue but notes that undertaking such a study might require the Committee to be provided additional resources.

### **D. Need to Clarify Aspects of FOIL and OML Reforms**

#### **1. Need for Clarity Regarding Repeal of Civil Rights Law § 50-a**

In our last few annual reports, the Committee pointed to a need for the Legislature to clarify its intent in enacting Chapter 96 of the Laws of 2020, repealing Civil Rights Law § 50-a and amending FOIL to add new provisions relating to law enforcement disciplinary records. These amendments removed a blanket, statutory grant of confidentiality that had been extended to law enforcement disciplinary records by § 50-a and directed that those records now fall within the FOIL disclosure mandate, subject only to the exemptions in FOIL itself. Under the 2020 amendments, the content of law enforcement disciplinary records now must be analyzed pursuant to the exemptions in Public Officers Law § 87(2)(b)-(t) to determine whether they may be withheld from the public.

The Committee previously identified two key concerns that arose in the aftermath of the repeal of § 50-a: (i) whether the repeal applies retroactively to records created before June 2020 and to former officers no longer employed by law enforcement agencies after June 2020, and (ii) whether unsubstantiated or pending complaints of misconduct can be withheld due to privacy concerns. Both issues have given rise to multiple lawsuits.<sup>1</sup>

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<sup>1</sup> A discussion of conflicting caselaw, including currently pending matters, can be found in Appendix III of this Report.



a. Retroactivity

After the repeal of § 50-a, several trial courts reached conflicting decisions on whether the repeal of § 50-a applies retroactively to preexisting records. The Court of Appeals has not yet addressed the issue but both the Appellate Division First Department and Second Department recently found the provision to be retroactive.<sup>2</sup> The Committee agrees that the repeal must be applied retroactively to fulfill the express intent of the Legislature to promote transparency and accountability for law enforcement agencies. In light of ongoing litigation, the Committee still recommends that the Legislature clarify its intention that the repeal have retroactive application, and all law enforcement personnel records – whenever created – are subject to disclosure under FOIL unless they come within one of its statutory exemptions.

b. Unsubstantiated or Pending Reports of Misconduct

Since the repeal of § 50-a, there has been intense disagreement about how the FOIL privacy provisions apply to unsubstantiated or uninvestigated allegations of wrongdoing by law enforcement officers. Courts in the past have widely recognized that public employees have very limited expectations of privacy concerning how they perform their public functions. Were it otherwise, privacy concerns of public employees would thwart the meaningful public oversight FOIL itself seeks to promote. Nevertheless, since the repeal of § 50-a, FOIL privacy provisions have repeatedly been invoked to prevent disclosure of allegations concerning police misconduct unless those allegations have been both fully investigated and determined to be entirely correct. This is an untenable situation that threatens to undermine the purpose for the repeal – to increase police transparency and accountability.

The issue of whether law enforcement agencies can assert a blanket exemption over records concerning “unsubstantiated” allegations is currently before the Court of Appeals in *New York Civil Liberties Union v. City of Rochester*, No. 2023-0085. We urge the Court to reject such a broad application of the privacy exemption to law enforcement disciplinary records. Accepting it would mean that a failure to investigate an allegation, or an inability to definitively resolve all surrounding facts, could be deemed a sufficient justification for withholding all information about the allegation and the officers’ conduct, regardless of the surrounding facts or their public importance.

Such a blanket application of the privacy exemption would bring back the large-scale withholding of information that occurred before the repeal of § 50-a, seriously impede public oversight of law enforcement agencies, and further erode public confidence in those agencies. The contention that the

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<sup>2</sup> See *NYP Holdings v. New York City Police Dep’t*, 220 A.D.3d 487, 198 N.Y.S.3d 7 (1st Dep’t 2023) and *Matter of Newsday, LLC v. Nassau County Police Department*, --- N.Y.S.3d---, Index No. 2021-08455, 2023 WL 8102717 (2d Dep’t 2023).

FOIL privacy exemption can be applied on such a blanket basis appears to contradict the legislative purpose in repealing § 50-a. It is also inconsistent with settled FOIL principles that require a case-specific weighing of the competing public and private interests when the privacy exemption is invoked. A mandatory exclusion from public disclosure of any “unsubstantiated” allegation is clearly inappropriate because the circumstances of any given case will affect both the privacy interest and the public interest against which it must be balanced.

c. 2023 Legislative Proposals to Clarify Both Issues

In 2023, the Legislature acknowledged these ambiguities and members have proposed legislation designed to clarify them once and for all. In January 2023, in response to the question about the treatment under FOIL of not-yet-substantiated allegations of wrongdoing by law enforcement officers raised by court decisions discussing the repeal of § 50-a, Senator Bailey and Assemblymember Gonzalez-Rojas reintroduced [Senate Bill 2322](#) and corresponding Assembly Bill 2442, which, according to the sponsors’ memo, would amend FOIL to reaffirm and clarify the full scope of § 50-a repeal. The bills explicitly state that “law enforcement agencies cannot continue to withhold these records beyond the narrow categories defined in the earlier repeal legislation, and it will provide courts with an unambiguous declaration of the legislature’s intent with respect to such records.”

The bills add a new subdivision 4-c to § 87 of the Public Officers Law:

An agency responding to a request for law enforcement disciplinary records as defined in section eighty-six of this article shall not deny access to such records or portions thereof on the grounds that such records:

- (a) constitute an unwarranted invasion of personal privacy as described in paragraph (b) of subdivision two of this section because such records concern complaints, allegations, or charges that have not yet been determined, did not result in disciplinary action, or resulted in a disposition or finding other than substantiated or guilty;
- (b) are compiled for law enforcement purposes as described in paragraph (e) of subdivision two of this section;
- (c) are inter-agency or intra-agency materials as described in paragraph (g) of subdivision two of this section;
- (d) are or were designated as confidential, secret, or otherwise private by a private agreement, including but not limited to a settlement,

stipulation, contract, or collective bargaining agreement; or  
(e) were created prior to the effective date of this subdivision.

These bills have been referred to committee but have had no further action. While we appreciate that the Legislature is attempting to provide the clarity the Committee seeks, the Committee continues to believe that every record must be individually evaluated for the applicability of exemptions to disclosure. To the extent that this bill removes such an individualized review for these categories of information and mandates disclosure in all cases, the Committee has concerns that such unreviewed disclosure of this category of records could result in harms that are mitigated by thoughtful review to ensure applicability of appropriate statutory exemptions to disclosure. The Committee supports the proposed legislation to the extent that it clarifies that the repeal of § 50-a was intended to be retroactive to apply to records created prior to June 2020.

## **2. Proposed Amendment to FOIL to More Strictly Define Period for Providing Records**

In 2023, Senator Harckham and Assemblymember Zebrowski reintroduced bills ([S01726/A05613](#)) that would clarify the required response periods for FOIL requests. The Committee has opined that a series of extensions providing progressively later dates by which an agency will respond to a FOIL request is inconsistent with the language and intent of FOIL, but New York courts by and large have not agreed. This bill addresses this issue (and some of the other technical concerns the Committee has raised relating to compliance with FOIL) and clarifies the intent of the Legislature for FOIL requesters and governmental entities subject to FOIL by more strictly defining the time in which an agency is required to respond to FOIL requests. The Committee supports these amendments.

Senator Tedisco and Assemblymember McGowan reintroduced [S01641/A04633](#) (also referenced above with regard to oversight), taking a different approach to this issue. Their bill would require, in part, that an agency grant or deny a request within 30 days, and if granted, produce the requested records within 90 days.

Senator Weik has reintroduced a bill, [S05322](#), that would require agencies to grant or deny a request within twenty-five days from receipt and produce records within forty days from receipt.

None of these bills have advanced since being introduced. While the Committee agrees that disclosure can take too long under current law, in our view, tinkering with statutory deadlines will do little to effectively improve compliance times. The varying administrative and financial needs of agencies and the differing scope of requests make “one size fits all” mandates unrealistic.

## **3. Intra-/Inter-Agency Exemption as it Relates to Outside Consultants**

In what has become the seminal case on the intra-/inter-agency exemption to FOIL, the New York Court of Appeals, in *Xerox Corporation v. Town of Webster*, 65 N.Y.2d 131 (1985), found that reports prepared

by outside consultants and retained by agencies (specifically, real estate appraisal reports prepared for the town by a private consulting firm in connection with possible revaluation of petitioner's property), should be treated as if they were prepared by agency staff and should, therefore, be considered intra-agency materials and as such could be considered exempt subject to the exceptions to that statutory exemption. For this conclusion, the Court of Appeals noted that "[i]t would make little sense to protect the deliberative process when such reports are prepared by agency employees yet deny this protection when reports are prepared for the same purpose by outside consultants retained by agencies." *Id.* at 133.

The Committee agrees with the reasoning of the Court of Appeals on this issue and accordingly the Committee does not support a current legislative proposal (found in [NY State Senate Bill 3502A](#))<sup>3</sup> to amend this provision.

#### **E. Structure of the Committee on Open Government**

Since its original enactment in 1974, FOIL has authorized the existence of the Committee on Open Government (previously known as the Committee on Public Access to Records) with a majority of public, *i.e.*, non-governmental, members. Section 89(1)(a) of the Public Officers Law states, in pertinent part:

The committee on open government is continued and shall consist of the lieutenant governor or the delegate of such officer, the secretary of state or the delegate of such officer, whose office shall act as secretariat for the committee, the commissioner of the office of general services or the delegate of such officer, the director of the budget or the delegate of such officer, and seven other persons, none of whom shall hold any other state or local public office except the representative of local governments as set forth herein, to be appointed as follows: five by the governor, at least two of whom are or have been representatives of the news media, one of whom shall be a representative of local government who, at the time of appointment, is serving as a duly elected officer of a local government, one by the temporary president of the senate, and one by the speaker of the assembly.

Currently, the Committee has four gubernatorial appointments serving, with one vacancy. We commend the Governor for her recent appointments and urge her to fill the remaining long-standing vacancy to ensure that the Committee functions in the manner envisioned by the Legislature.

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<sup>3</sup> In 2023, Senator Skoufis introduced S3502 (no Assembly "Same As" bill) that would amend FOIL to exclude records prepared by an outside consultant at the behest of an agency from the intra-/inter-agency exception to rights of access. This bill has been referred to committee.

[NY State Senate Bill 3438](#)

In 2023, Senator Skoufis and Assemblymember Vanel introduced legislation (S3438/A6831) that would, among other things, change the makeup of the Committee. The proposed legislation reads:

The committee on open government is continued and shall consist of seven persons, none of whom shall hold any other state or local public office except the representative of local governments as set forth herein, to be appointed as follows: two representatives, each of whom is from the news media or a nongovernmental nonprofit group that works on issues related to transparency or open government, two representatives of local government who, at the time of appointment, are serving as duly elected officers of a local government, and three private citizens of the state, none of whom may be custodians of public records, members of the news media or a nonprofit group that works on issues related to transparency or open government, or a staff member or spokesperson for an organization that represents custodians or requestors of public records. Of the seven members, at least two shall be attorneys admitted to practice in New York and at least two shall possess expertise concerning electronic records, including electronic storage, retrieval, review, and reproduction technologies.

The Committee is concerned that, with such strict criteria for membership, it will be difficult to find qualified, interested candidates. Further, the legislation does not contemplate membership by any representative of State government; accordingly, the Committee does not support this legislative proposal.

**F. Proposed Amendment to the OML to Require Public Bodies to Livestream their Open Meetings**

[NY Senate Bill 4475](#) and [NY Senate Bill 4476](#)

In 2023, Senator Addabbo and Assemblymember Paulin introduced bills (S4475/A2700) that, according to the bill memos, would amend the OML to require *all public bodies*,

to the extent practicable and within available funds, broadcast to the public and maintained as records of the public body. If the public body maintains a website and utilizes a high speed internet connection, such open meeting shall be, to the extent practicable and within available funds, streamed on or available through such website in real-time, and video recordings of such open meeting shall be posted on such website

within five business days of the meeting and for a reasonable time after the meeting and such recordings shall be maintained for a period of not less than five years.

The bills have been referred to committee. As in prior years with similar bills, the Committee supports this proposal.

Also in 2023, Senator Addabbo and Assemblymember Paulin reintroduced bills (S04476/A03991) that would amend the OML to require *local governments* (as opposed to all public bodies as in the bill discussed above) “to the extent practicable, to stream all open meetings and public hearings on its website in real-time. Each local government shall post video recordings of all such open meetings and public hearings on its website within five business days of the meeting or hearing and shall maintain such recordings for a period of not less than five years.” The bills have been referred to committee.

The Committee supports legislation that increases public access to open meetings; however, the Committee recognizes that there are concerns that this requirement could place a significant burden on municipalities with limited broadband services. The Committee recommends that the Legislature take these potential limitations into consideration when evaluating whether to move forward with these proposals.

### **G. Definitions of FOIL “Agency” and OML “Public Body”**

#### [NY State Senate Bill 3406](#)

In 2023, Senator Skoufis and Assemblymember Otis introduced S3406/A6617 to amend FOIL to expand the definition of agency within FOIL to include all entities created by an agency or that are governed by a board of directors or similar body a majority of which is designated by one or more state or local government officials. The bill passed Senate, was delivered to Assembly, and has been referred to committee. The Committee supports this amendment which codifies judicial precedent relating to “quasi-governmental” entities.

#### [NY State Senate Bill 2451](#)

In 2023, Senator Comrie introduced S2451 (no Assembly same as) to amend NYS Not for Profit Corporation Law to subject certain not for profit corporations to both FOIL and the OML. The bill passed Senate, was delivered to Assembly, and has been referred to committee. The Committee does not support such a broad expansion of FOIL.

#### [NY State Senate Bill 2727](#)

In 2023, Senator Skoufis and Assemblymember Paulin introduced S2727-A/A3715-A to amend NYS Public Authorities Law to clarify that all state and local authorities, as well as all subsidiaries and

affiliates of such state and local authorities, shall be subject to FOIL and the OML. The bill passed the Senate, was delivered to Assembly, and has been referred to committee. The Committee notes that the current definition of “agency” in POL § 86(3) already includes a reference to “public authority.” The definition of “public body” in POL § 102(2) includes a reference to “public corporation” which includes public benefit corporations. In the Committee’s view, this amendment is not necessary to bring already covered public authorities under the umbrella of the open government statutes.

#### **H. Limitation on Trade Secret Exemption**

##### [NY State Senate Bill 3257](#)

In 2023, Senator Hoylman-Sigal introduced S3257 (no Assembly same as) to require entities that submit records to state agencies that may be exempt from disclosure because the entity has established that the information within the records constitute “trade secret” to periodically re-apply for the exemption. The bill passed the Senate, was delivered to Assembly, and has been referred to Committee. While the Committee does not have information sufficient to draw a conclusion about the impact this new requirement might impose, we support efforts which ensure that the trade secret exemption does not unnecessarily restrict access to information for which confidentiality no longer serves a compelling purpose while also balancing the need for agencies to have access to private sector services.

#### **I. Automated Decision-Making Must Be Transparent**

The Legislature should explore the growing use of algorithms and machine learning technologies to conduct government business. As we understand them, computer algorithms in this context can be considered both: (i) automated sets of instructions and weights to be given to data sets for the purpose of rendering an automated decision based on the data available; and (ii) the codes, software programming, or other proprietary information utilized in the processing of the data inputs. While algorithms may hold the promise to make government function more efficiently, their rapidly growing use may present significant new issues for public accountability, data privacy and civil liberties across New York State. However, we lack the data to specifically define the degree to which agencies in New York utilize automated governmental decision making, the degree to which access to that information is being denied by agencies in New York, and what appropriate solutions might be.

## APPENDIX I

### REQUIRED REPORT CONCERNING IMPLEMENTATION OF CHAPTER 56 OF THE LAWS OF 2022

On April 9, 2022, Governor Hochul signed Chapter 56 of the Laws of 2022 (“Chapter 56”) relating to the New York State budget for the 2022-23 state fiscal year. Included in the bill is an amendment to the OML to allow for the expanded use of videoconferencing by public bodies to conduct open meetings, under extraordinary circumstances, regardless of a declaration of emergency. These amendments are primarily codified in Public Officers Law § 103-a. These amendments will expire and be deemed repealed on July 1, 2024, unless the Legislature takes further action.

Chapter 56 requires that no later than January 1, 2024, the Committee issue a report to the Governor and Legislative leaders concerning the application and implementation of the law and any further recommendations governing the use of videoconferencing by public bodies to conduct meetings pursuant to POL § 103-a.

To support this required report, in addition to the many hundreds of comments on this topic received from correspondents making informal contact with our office over the year, the Committee undertook a separate organized survey of public bodies, advocacy groups, the media, and the general public to affirmatively solicit feedback and identify any trends.<sup>4</sup> Based on information from correspondents to our office and this survey feedback, we can make the following general conclusions:

- Since the pandemic began in 2020, many public bodies continue to struggle to meet the required in-person quorum to conduct an open meeting. This finding is perhaps partly attributable to two main factors: (i) many members of public bodies are new to serving in the last three years and do not “remember” a time when in-person attendance at a meeting was mandatory; and (ii) even long serving members of public bodies have become used to being able to participate in meetings from home, increasing convenience and saving time and the effort of traveling to a central location. (In the section just below, we make a suggestion for an amendment to the law that may ameliorate these concerns.)
- A significant majority of all correspondents and survey responders – public bodies, the media, public interest groups, and members of the general public – strongly support the broadened use of remote access technology to permit meetings to occur regardless of an in-person quorum. This finding may be attributable to the following common themes from the feedback we

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<sup>4</sup> With deepest thanks to our special summer project intern, survey author and survey conductor Elizabeth Baird, who is set to graduate from Hartwick College in 2024. The Committee issued more than 250 written invitations to public bodies, media, and the public to participate and publicized the survey and invited participation at every training session, educational presentation, or invited talk that it held between June 2022 and the present. The formal survey invitations resulted in approximately 35 responses; in total, however, the Committee received informal feedback on this topic from several hundred correspondents across public bodies, the media, and members of the public.



received: (i) remote meetings are easier to attend, regardless of your role in the meeting (as a participant or attendee); (ii) remote meetings are more convenient and enjoyable for everyone; and (iii) remote meetings can be held regularly, and important business conducted, regardless of weather or other considerations, reducing scheduling concerns for participants and attendees.

Also based on this feedback, we can offer the following suggestions and general notes of caution relating to the continuation of the current statutory rubric (extraordinary circumstances) or any statutory expansion of circumstances under which remote meetings are permitted:

- Correspondents have observed that public bodies taking advantage of OML § 103-a extraordinary circumstances have not uniformly understood that, where a body is meeting with a member participating remotely, the body must permit remote attendees the same opportunity to make public comment as those persons attending the meeting in person. While this is an explicit requirement of the current statute, we believe that many public bodies may fundamentally misunderstand their obligations in this regard.
- The term “videoconferencing” is used in several places in the OML, and the use of the term, with the qualifier “extraordinary,” in § 103-a has introduced confusion among public bodies and other groups. For example, some public bodies, on advice from their attorneys or other interest groups (offered notwithstanding contrary advice published by the Committee), believe that the use of the term videoconferencing in § 103-a now provides for the *only* permitted use of videoconferencing under the OML, essentially voiding the videoconferencing long permitted by § 104. The Committee believes that clarification – or the use of an alternative term in any extension or expansion of § 103-a – would be useful to ensure that the Legislature intends that the uses of videoconferencing that were common and permitted before the introduction of § 103-a remain so.
- Where a public body experiences a “technical difficulty” during a meeting where the body is making use of § 103-a and therefore there is a requirement that remote attendees be permitted and the meeting be live streamed, attendees may be precluded from attending. Such circumstances may make continued compliance with § 103-a during the affected meeting impossible. In addition, many correspondents identified what may be called a “skills gap” (in either a member of a public body or the administrator of the public body) or a financial gap (cost prohibition where a public body represents a very small municipality) concerning the proper implementation of remote meetings when using § 103-a.
- There is significant confusion concerning what constitutes an “extraordinary circumstance.” Although the Committee has offered the advice that a public body may define this term as it chooses, many bodies remain confused and have identified this as a concern with the use of § 103-a.

- To the extent that bodies believe they do understand what an “extraordinary circumstance” is, many have suggested that the statutory parameters are “too strict” and that there should be no limitation on the reason that a member might need to participate in an open meeting remotely from a non-public location. As a corollary to this observation, many correspondents have stated that, if a member has qualified to participate remotely because of a claimed “extraordinary circumstance” and because of this there is either “barely” a quorum at the public location(s) or no longer a quorum at the public location(s), that precludes another member from claiming an “extraordinary circumstance” and requires that an affected meeting be canceled. We understand from our correspondents that this result feels arbitrary and undercuts the purpose of recognizing that a member of a public body may be experiencing an “extraordinary circumstance” to begin with.
- Many public bodies have identified confusion and burden concerning the pre-requisite “hearing” before the implementation of a policy to adopt § 103-a (or, in the case of a municipality, the necessary hearing before the adoption of a local law). Despite the publication of guidance and templates, the Committee is aware that many bodies that may wish to make use of § 103-a have not done so due to the burden this requirement imposes. Anecdotally, however, we understand that some public bodies that have not held a hearing or adopted a policy or local law have been leveraging § 103-a anyway.
- In light of the increasingly reported challenges associated with convening an in-person quorum for open meetings given today’s technological environment and otherwise changing views toward the power of technology, transparency and greater access may continue to be properly served by amending the OML to reduce the burden of the in-person quorum required by OML § 103-a. Reasons for considering this proposal include the: (i) logistical difficulties associated with gathering geographically-dispersed members in connected public locations for frequent, short meetings especially of advisory committees and subcommittees, resulting in delayed or cancelled meetings, delay of advice needed by the parent public body, and additional functions performed outside of the meeting context, lessening access; (ii) substantial improvements in remote access technology that better ensure public access and transparency even without a public meeting location; and (iii) evidence strongly suggesting that there has been a drastic *decrease* in “in person” attendance at open meetings by interested citizens and a concomitant significant increase in (and preference for) remote meeting attendance by such citizens.

## APPENDIX II

### 2023 LEGISLATIVE AMENDMENTS TO THE FREEDOM OF INFORMATION LAW

**On December 23, 2022, Governor Hochul signed Chapter 745 of the Laws of 2022**, amending FOIL to prohibit agencies from charging a fee for records where an electronic copy is already available from a previous request made within the past six months. Chapter 745 also stated that “[i]f more than one request is made for an identical record before any such request has been fulfilled, any fees charged by the agency under this subparagraph shall be apportioned equally among the requestors.”

**On March 3, 2023, Governor Hochul signed Chapter 7 of the Laws of 2023**, removing the “apportioned equally” provision from Chapter 745 of the Laws of 2022. The fee provision of POL § 87(1)(b)(3) now reads:

iii. except when a different fee is otherwise prescribed by statute:

(1) the fees for paper copies of records shall not exceed twenty-five cents per photocopy not in excess of nine inches by fourteen inches, or the actual cost of reproducing any other record in accordance with the provisions of paragraph (c) of this subdivision.

(2) In the case where an identical record has been prepared for a previous request within the past 6 months and an electronic copy is available, an agency shall not charge a fee for the reproduction of such record, except for the actual cost of a storage device or media if one is provided to the requester in complying with such request.

## 2023 LEGISLATIVE AMENDMENTS TO THE OPEN MEETINGS LAW

**On May 3, 2023, Governor Hochul signed into Law Chapter 58 of the Laws of 2023**, which, in part, provides for the exemption from certain in person meeting participation requirements for individuals with disabilities who are members of public bodies as defined in the Open Meetings Law (POL § 100 et seq.). Specifically, Chapter 58 amended POL § 103-a(2)(c) to allow public bodies, notwithstanding the quorum requirements otherwise applicable in this section, through written procedures:

to allow for any member who has a disability as defined in section two hundred ninety-two of the executive law, where such disability renders such member unable to participate in-person at any such meeting location where the public can attend, to be considered present for purposes of fulfilling the quorum requirements for such public body at any meetings conducted through videoconferencing pursuant to this section, provided, however, that the remaining criteria set forth in this subdivision are otherwise met; and provided, further, that the public body maintains at least one physical location where the public can attend such meeting;

This amendment takes effect immediately and will be deemed repealed on the same date (July 1, 2024) as the remainder of § 103-a.

**APPENDIX III**  
**2023 COURT DECISIONS OF NOTE**

**A. Freedom of Information Law**

*Matter of Aron Law PLLC v. City of Rochester*, 218 A.D.3d 1121, 193 N.Y.S.3d 591 (4th Dep't 2023): Fourth Department held that a request for all documents relating to requests made for a disability or religious accommodation by City of Rochester employee and determinations for said requests between February 12, 2016, and September 11, 2018 was reasonably described and available under FOIL. Additionally, the opinion appears to state that an agency is permitted to charge a fee to a FOIL requester for the cost associated with the review of voluminous records.

*Matter of Ateres Bais Yaakov Academy of Rockland v. Town of Clarkstown*, 218 A.D.3d 462, 193 N.Y.S.3d 126 (2d Dep't. 2023): Second Department held that petitioner substantially prevailed on its FOIL cause of action, and thus was entitled to an award of reasonable attorneys' fees and litigation costs as the Town had failed to timely respond to corporation's FOIL appeal and also had failed to provide all of the requested documents, and the fact that much of corporation's representation was undertaken by pro bono counsel did not affect its entitlement to reasonable attorneys' fees and litigation costs.

*Matter of Cagino v. New York State Div. of Human Rights*, 217 A.D.3d 1237, 192 N.Y.S.3d 286 (3d Dep't 2023): Third Department found that ad hominem, conclusory allegations regarding the motives of a former employee were not enough to deny the former employee access to records related to the use of identification cards by certain employees on endangerment or personal privacy grounds.

*Matter of Digital Forensics Unit v. New York City Police Department*, 214 A.D.3d 532, 186 N.Y.S.3d 165 (1st Dep't 2023): First Department held that the agency may withhold all current rosters of officers in all precincts on the grounds that disclosure may endanger public safety by revealing which precincts have less resources and manpower. The Court also held that disclosure of officer names could not be compelled as disclosure may endanger the officers or their families.

*Matter of Eckel v. Nassau County*, 219 A.D.3d 1426, 196 N.Y.S.3d 748 (2d Dep't 2023): Petitioner submitted a FOIL request seeking the comparable sales information on four specific properties, including her own. The Nassau County Assessment Review Commission (ARC) denied the petitioner's request, citing the intra-agency materials exemption. Second Department held that the requested records constituted factual data insofar as it constituted "objective information," separate from the "opinions, ideas, or advice" contained in the assessment report.

*Matter of Felici v. Nassau County Off. of Consumer Affairs*, 217 A.D.3d 765, 191 N.Y.S.3d 454 (2d Dep't): Second Department held that assertions by the Records Access Officer that a diligent search was conducted, and no responsive records were located satisfied the certification obligation under FOIL. Additionally, the Court found the agency was not required to create a list of names in response to a request for the names of people who conducted the search.

*Matter of Getting the Word Out, Inc. v. New York State Olympic Reg'l Dev. Auth.*, 214 A.D.3d 1158, 185 N.Y.S.3d 408 (3d Dep't 2023): Third Department held that copies of injury reports from sporting and athletic events and competitions that took place at Mt. Van Hoevenberg could be released if certain identifying details were deleted pursuant to FOIL § 89 (2)(c)(i) and deidentification guidance provided under the Health Insurance Portability and Accountability Act.

*Matter of Gruber v. Suffolk County Bd. of Elections*, 218 A.D.3d 682, 192 N.Y.S.3d 657 (2d Dep't 2023): Second Department found that complete and unredacted voted ballots could be withheld as disclosure would result in an unwarranted invasion of personal privacy.

*Matter of Law Offs. of Cory H. Morris v. Suffolk County*, 216 A.D.3d 638, 188 N.Y.S.3d 151 (2d Dep't 2023): Second Department held that, upon a denial of access, when an agency fails to inform the person or entity making a request that further administrative review of the determination is available, the requirement of exhausting administrative remedies before pursuing an action under Article 78 of the Civil Practice Law and Rules is excused.

*Matter of Lockwood v. County of Suffolk*, 219 A.D.3d 728, 195 N.Y.S.3d 106 (2d Dep't 2023): Second Department reaffirmed that Suffolk County Traffic and Parking Violations Agency (TVPA) is a hybrid agency that exercises both adjudicatory and non-adjudicatory responsibilities and to the extent that records relate to the TVPA's adjudicatory responsibilities they were exempt as records of the judiciary (*see Matter of Law Offs. of Cory H. Morris v. County of Nassau*, 158 A.D.3d 630, 72 N.Y.S.3d 95 (2nd Dep't 2018)). Second Department held that records relating to training of TVPA clerks were not related to the agency's adjudicatory responsibilities and were not exempt as records of the judiciary.

*Matter of Lockwood v. Nassau County Police Dep't*, 78 Misc. 3d 1219(A), 185 N.Y.S.3d 657 (Supr. Ct., Nassau Co., 2023): Court held that the Civil Service Law Article 14, the Taylor Law, is not a statute exempting law enforcement disciplinary records and that disclosure of such records would not impair present or imminent contract awards or collective bargaining negotiations. The Court also found that disciplinary records related to unsubstantiated claims or charges must also be disclosed with identifying details redacted, subject to a particularized showing that such disclosure would constitute an unwarranted invasion of privacy. The Court declined to determine whether the repeal of Civil Rights Law §50-a, which previously protected law enforcement disciplinary records from disclosure, applies retroactively.

*Matter of McDevitt v. Suffolk County*, 78 Misc. 3d 1239(A), 187 N.Y.S.3d 923 (Supr. Ct., Suffolk Co., 2023): Court held that the privacy exemption does not create a categorical or blanket exemption from disclosure for unsubstantiated complaints or allegations of uniformed officers' misconduct and that records concerning unsubstantiated complaints or allegations should be disclosed to the extent they can be redacted to prevent an unwarranted invasion of personal privacy, including the removal of identifying details.

*Matter of Puig v. New York State Police*, 212 A.D.3d 1025, 181 N.Y.S.3d 759 (3d Dep't 2023): Third Department found that a request for disciplinary records of active troopers assigned to the counties of Orange, Dutchess and Ulster was reasonably described; although the agency did not have the capability

to search for such records by trooper county of assignment, the counties in question were only served by two identifiable groups of troops and the agency could thus locate the records with reasonable effort. However, even though the request was reasonably described, the Court raised the possibility the request may be unduly burdensome and remanded to the Supreme Court to determine how many troopers' files would need to be searched or the particular manner in which such a search would be conducted. The Supreme Court found the request was not unduly burdensome. See *Puig v. New York State Police*, 2023 WL 3575973, N.Y. Slip Op. 23158 (Supr. Ct., Albany Co., 2023).

*Matter of New York Civil Liberties Union v. New York Department of Corr.*, 213 A.D.3d 530, 183 N.Y.S.3d 411 (1st Dep't 2023): First Department held that does not create a categorical or blanket exemption from disclosure for unsubstantiated complaints or allegations of uniformed officers' misconduct. Instead, the Court found these records should be disclosed with identifying details redacted to prevent an unwarranted invasion of privacy.

*Matter of Newsday, LLC v. Nassau County Police Department*, --- N.Y.S.3d---, Index No. 2021-08455, 2023 WL 8102717 (2d Dep't 2023): Second Department held that the repeal of Civil Rights Law § 50-a applies retroactively to records created prior to June 12, 2020 and that records concerning unsubstantiated complaints or allegations of misconduct are not categorically exempt from disclosure as an unwarranted invasion of personal privacy, and the law enforcement agency is required to disclose the requested records, subject to redactions with particularized and specific justification.

*Matter of NYP Holdings, Inc. v. New York City Police Dep't*, 220 A.D.3d 487, 198 N.Y.S.3d 7 (1st Dep't 2023): First Department held that the repeal of Civil Rights Law § 50-a applies retroactively to records created prior to June 12, 2020, and affirmed the lower court's order to disclose both substantiated and unsubstantiated disciplinary records of police officers identified in the subject requests.

*Matter of Rayner v. New York State Dep't of Corr. and Community Supervision*, 197 N.Y.S.3d 463 (Alb. Co. Supr. Ct. Sept. 14, 2023): Court held that technology underlying the risk-assessment software used by the NYS Board of Parole and developed by a private commercial entity, and agency records containing such material, are exempt from disclosure under POL § 87(2)(d). The court opined that “[a]ny change to this rule based on the ‘uniquely important public interest’ of parole oversight (MOL at 20-21) must come from the State Legislature.”

*Matter of Reclaim the Records v. New York City Department of Health and Mental Hygiene*, 216 A.D.3d 440, 189 N.Y.S.3d 460 (1st Dep't 2023): First Department held that an administrative code added to the New York City Charter by the State Legislature qualifies as a statute permitting the agency to withhold transcripts of records of death.

*Reclaim the Records v. New York State Department of Health*, Index No. 905532-22 (Supr. Ct., Albany Co., 2023): Court held that the “Death Index” for all available dates through 2017 must be mostly disclosed to requestor. Despite agency concerns that information within the Index could be used to conduct identity theft, the Court held the deceased do not have a privacy interest in avoiding identity theft. Further, the Court found any risk to the privacy interests of the decedent's survivors' stemming from disclosure of the Index was too attenuated to permit withholding. Finally, the Court held an

administrative regulation preventing the disclosure of Index information for fifty years following a death was not a statute providing an exemption to disclosure in the context of FOIL.

**B. Open Meetings Law**

None as of the date of publication of this report.



**APPENDIX IV**  
**SERVICES RENDERED BY COMMITTEE**  
1589 TELEPHONE INQUIRIES  
2291 INFORMAL ADVISORY OPINIONS  
26 FORMAL ADVISORY OPINIONS  
53 PRESENTATIONS  
THOUSANDS OF CORRESPONDENTS ADDRESSED  
THOUSANDS OF WEBINAR LISTENERS AND VIEWERS

**Online Access**

Since its creation in 1974, the Director’s staff have prepared more than 25,000 written advisory opinions in response to inquiries regarding New York’s open government laws. The opinions prepared since early 1993 that have educational or precedential value are available online through searchable indices. In May 2021, the Committee website was modernized and assigned its own independent web address: [www.opengovernment.ny.gov](http://www.opengovernment.ny.gov).

In addition to the text of open government statutes and the advisory opinions, the Committee website also includes:

Model forms for email requests and responses:

<https://opengovernment.ny.gov/system/files/documents/2020/09/freedom-information-law-sample-letters.pdf> and <https://opengovernment.ny.gov/agency-response-email-request-records-sample>

Regulations promulgated by the Committee (21 NYCRR Part 1401) and “Your Right to Know,” a guide to FOIL and OML that includes sample letters of request and appeal, as well as links to a variety of additional material. <https://opengovernment.ny.gov/freedom-information-law>

“You Should Know,” which describes the Personal Privacy Protection Law:

<https://opengovernment.ny.gov/what-you-should-know-nys-personal-privacy-protection-law-pppl>

Responses to “FAQs” (frequently asked questions)

<https://opengovernment.ny.gov/system/files/documents/2021/05/freedom-information-law-faqs.pdf>; and <https://opengovernment.ny.gov/system/files/documents/2021/01/open-meetings-law-faqs.pdf>

“News” that describes matters of broad public interest and significant developments in legislation or judicial decisions <https://opengovernment.ny.gov/committee-news>

View recordings of meetings of the Committee on Open Government:

[https://www.youtube.com/playlist?list=PLijoYdAmWljZApq7uZkCJZ\\_irF0MSJgqk](https://www.youtube.com/playlist?list=PLijoYdAmWljZApq7uZkCJZ_irF0MSJgqk)

View virtual training recordings and material: <https://opengovernment.ny.gov/training-materialsrecordings>

### **Telephone Assistance**

This year, the Director’s staff answered over 1500 telephone inquiries.

### **Informal Advisory Opinions**

This past year, the Committee through the Director’s staff issued over 2200 informal advisory opinions and written inquiry responses by email and postal mail regarding FOIL, OML and the PPPL.

### **Formal Advisory Opinions**

The Director’s staff are conscientious about providing guidance as efficiently as possible, including links to online advisory opinions when appropriate. When a written response from staff contained a substantive opinion with legal analysis, it was recorded as an advisory opinion as before.

In the reporting period, the Director’s staff prepared 26 formal advisory opinions in response to requests from across New York.

### **Presentations**

An important aspect of the Committee’s work involves efforts to educate by means of seminars, workshops, and various public presentations. During the reporting year, staff gave 53 presentations to organizations and entities identified below. Approximately 6000 individuals received contemporaneous training and education through those events, and countless additional individuals benefitted from recordings of these programs posted on entity websites and materials posted on the Committee website. This number compares favorably with pre-pandemic numbers. As mentioned above, the Director’s staff began offering its own virtual open government educational programs regularly throughout the year. The contemporaneous versions of these programs were attended by approximately 6000 individuals. In addition, recordings of the programs have been posted to the Committee website for additional individuals or groups to review.

If your organization would like to [request training](#), you may contact us by telephone at (518) 474-2518 or by e-mail at [training@opengovernment.ny.gov](mailto:training@opengovernment.ny.gov).

### **Organizations:**

Albany County Bar Association CLE  
Bronx Community Boards Open Meetings Training  
Capital District Building Officials Conference  
Cayuga County Law Enforcement  
Committee on Open Government Sponsored FOIL Training (5 Programs)  
Committee on Open Government Sponsored OML Training (5 Programs)  
City of Buffalo  
City of Hudson

City of Watertown  
Cortland County  
Council on Governmental Ethics and Laws  
Dutchess County Open Government CLE  
Excelsior Fellows (2 Programs)  
Jefferson County Municipal Clerks Association  
Livingston County  
Long Island Village Clerks Association  
New York Association of Local Government Records Officers  
New York City Bar Association  
New York State Association of Municipal Purchasing Officials  
New York State Bar Association (2 Programs)  
New York State Board of Parole (2 Programs)  
New York State Commission on Ethics and Lobbying in Government (3 Programs)  
New York State Commission to Prevent Childhood Drowning  
New York State Conference of Mayors (4 Programs)  
New York State Department of Education, Division of Library Development (2 Programs)  
New York State Department of Health  
New York State Department of Public Service  
New York State Department of State, Division of Building Codes and Standards (2 Programs)  
New York State Public Housing Authority Directors Association Conference  
New York State School Boards Association  
New York State Sheriff's Association  
Public Library Systems Directors Organization  
Rensselaer County Municipal Clerks Association  
Southern Tier Regional Planning Conference  
Town of Cheektowaga Police Department  
Village of Herkimer  
Westchester County Municipal Clerks Association