

FOIL Request - FOIL Appeals and Ensuing Determinations Thereon

From: Progress New York <contact@progressnewyork.news>

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Date: Wednesday, August 11th, 2021 at 4:46 PM

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Via E-Mail (coog@dos.ny.gov)

NYS Committee on Open Government
Department of State
One Commerce Plaza
99 Washington Avenue, Suite 650
Albany, NY 12231

Ladies and Gentlemen :

Subject : Request under the Freedom of Information Law - Expedited Processing Requested

This e-mail constitutes a request ("Request") pursuant to the Freedom of Information Law ("FOIL"). NY Pub Off L § 87. FOIL was enacted to improve Government transparency, and this Request seeks to inform the public about the success rate at which the public are able to access public records under FOIL. Without this information, the public are unable to make an informed judgment about the performance of FOIL. I make the following requests for records in hopes of filling that void.

An Overview of the Description of Records. This Request seeks records pertaining to appeals and ensuing determinations thereon, which have been forwarded to the Committee on Open Government between January 1, 2021 to August 11, 2021 by agencies, which have denied people access to records under FOIL. This Request seeks the records that are being created by statute. See NY Pub Off L § 89 (4) (a). This Request also seeks managerial reports about the appeals and ensuing determinations thereon.

The Requested Records :

1/. All records and information pertaining to : (x). the appeals and (y). ensuing determinations thereon, which have been forwarded to the Committee on Open Government January 1, 2021 to August 11, 2021 by agencies, which have denied people access to records under FOIL.

2/. All records and information pertaining to : (i). managerial reports ; (ii). logs, such as Excel spreadsheets (or similar) ; (iii). database data (in .CSV format and with header definitions and field descriptions) ; and (iv). other summaries, tracking reports, tables, charts, and presentations about (x). the the appeals and (y). ensuing determinations thereon, which have been forwarded to the Committee on Open Government between January 1, 2021 to August 11, 2021 by agencies, which have denied people access to records under FOIL.

3/. All other records and information created by the Committee on Open Government that indicate, disclose, report, or analyze : (i). the eventual release of records and (ii). the eventual denial of records regarding (x). the the appeals and (y). ensuing determinations thereon, which have been forwarded to the Committee on Open Government between January 1, 2021 to August 11, 2021 by agencies, which have denied people access to records under FOIL.

Application For Expedited Processing. I request expedited processing of this Request. There is a "compelling need" for these records, because the information requested is urgently needed in order to be disseminated to inform the public about the success of FOIL in making records available to the public. In addition, the records sought relate to a "breaking news story of general public interest." I am a reporter for the news Web site, Progress New York. As a result, I am "primarily engaged in disseminating information."

Application for Waiver of Fees. I request a waiver of search, review, and duplication fees on the grounds that disclosure of the requested records is in the public interest, because it "is likely to contribute significantly to public understanding of operations or activities of the [G]overnment and is not primarily in the commercial interest of the requester." I also request a waiver of search and review fees on the grounds that I qualify as a "representative of the news media," and the records and information are not sought for commercial use. I meet the statutory and regulatory definitions of a "representative of the news media" because I function as an "entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." 5 U.S.C. § 552(a)(4)(A)(ii).

To help the Committee on Open Government to save money on duplication costs and to further my request for a waiver of fees, I would be happy to receive electronic/digital records.

Please furnish a URL link, where I can download the electronic/digital records.

I affirm that the information provided supporting the request for expedited processing and waiver of fees is true and correct to the best of my knowledge and belief.

If you have any questions, please do not hesitate to contact me.

Thank you kindly.

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Sent with [ProtonMail](#) Secure Email.