

GOVERNMENT ACCESS: WHERE TO FIND AGENCY ADDRESSES

LOCAL MUNICIPALITIES

The telephone numbers and street addresses of municipal governments are listed in the Sunshine Week a Blue Pages, in addition, many municipal governments also have Web sites that can be found with an internet search engine. The Blue Pages also list the telephone numbers and addresses of many county government departments. Municipalities also have an internet home page at www.sunshineweek.com. Municipalities to go to www.sunshineweek.com.

NEW YORK STATE

The telephone numbers of all state government offices are available through a toll-free call to 877-888-8888. Toll-free government offices in Albany also can be reached by calling 518-474-2122. In addition, the telephone numbers and street addresses of local offices of state government are listed in the Sunshine Week a Blue Pages. New York state's Freedom of Information Law is available at www.dhs.state.ny.us/omw/foia2.htm.

Full text of New York's Freedom of Information Law is available at www.dhs.state.ny.us/omw/foia2.htm.

# HOW YOU CAN OBTAIN RECORDS FROM A GOVERNMENT AGENCY IN NEW YORK STATE

## 1 Identify the agency

Identify the agency that controls the records you want. You can find the agency's name by using a search engine or by looking for the agency's name in the Blue Pages. If you are not sure of the agency's name, you can call the Freedom of Information Law office at 877-888-8888.



## 2 Check the agency's Web site

Check the agency's Web site. Before submitting a request under the Freedom of Information Law of 1987, make sure the records you seek are not already in the public domain. If the state you want are already available through a Web site or other source, the agency probably will not release your request. But this means you also can get the records you seek at the public source.

## 3 For assistance, call or visit the agency

For assistance, call or visit the agency. If you are not sure how to proceed, you can call the Freedom of Information Law office at 877-888-8888. The person contacted for assistance will help you understand the Freedom of Information Law and how to submit a request. You also can visit the Freedom of Information Law office at 120 West Street, Albany, N.Y. 12242.

## 4 Write the letter

Write the letter. Describe the records as clearly and specifically as possible. Include the subject matter, dates, names and dates, if known. The more precise and accurate your request, the more likely you are to get a prompt and complete response.

## 5 Send the letter

Send the letter. Send the letter to the agency's Freedom of Information Law office. The records officer will review the request and determine if the records are available. The agency may either make the records available to you (via e-mail) or by providing a copy of the records in print or on a CD-ROM. If you are not sure of the address of the state agency, you should call 877-888-8888.

## 6 Wait for a response to your request

Wait for a response to your request. If the agency does not respond to your request within 30 days of the date you submitted it, you may file an appeal. Your request may be considered to be denied if the agency is not responding to you within 30 days of the date you submitted it.

## 7 Write an appeal

Write an appeal. You may file an appeal with the Freedom of Information Law office. Your appeal must include a copy of the original request, a copy of the agency's response, and a copy of the records you are requesting. You also must include a copy of the Freedom of Information Law and a copy of the Sunshine Week a Blue Pages.

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## 9 Consult with a lawyer

Consult with a lawyer. If you are not sure of the law or if you are not sure of the procedure, you should consult with a lawyer. A lawyer can help you understand the law and the procedure and can help you draft a request or an appeal.

## 10 Take the matter to court

Take the matter to court. If you are not satisfied with the agency's response, you may file a lawsuit in court. A lawsuit is a legal action that you can take to force the agency to release the records you are requesting.

New York's Freedom of Information Law — which provides access to public records reflective of government policies — affirms your right to know how your government operates and holds policy-makers accountable.



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## FAQ

**From what branches of government can I request information under the Freedom of Information Law?**  
The law is designed to ensure that the public has access to the information it needs to hold public officials accountable. It covers all government entities, including state, county, city, town, village, school district, and other local government entities. It also covers state agencies, including the courts, the legislature, and the executive branch.

**Are all government records available?**  
Records are available unless an exemption applies. Exemptions are based on the harm that would be caused by disclosure of the records. Exemptions include: (1) records that would be injurious to national defense; (2) records that would be injurious to the national economy; (3) records that would be injurious to the national security; (4) records that would be injurious to the national interest; (5) records that would be injurious to the national honor; (6) records that would be injurious to the national dignity; (7) records that would be injurious to the national prestige; (8) records that would be injurious to the national reputation; (9) records that would be injurious to the national credit; (10) records that would be injurious to the national confidence; (11) records that would be injurious to the national respectability; (12) records that would be injurious to the national authority; (13) records that would be injurious to the national power; (14) records that would be injurious to the national influence; (15) records that would be injurious to the national prestige; (16) records that would be injurious to the national reputation; (17) records that would be injurious to the national credit; (18) records that would be injurious to the national confidence; (19) records that would be injurious to the national respectability; (20) records that would be injurious to the national authority; (21) records that would be injurious to the national power; (22) records that would be injurious to the national influence.

**Can I sue the government before I decide if I want records?**  
When you want to sue the government, you must first exhaust all administrative remedies. This means you must first request the records and, if you are denied, file an appeal. If you are still denied, you can then file a lawsuit in court. A lawsuit is a legal action that you can take to force the government to release the records you are requesting.

**May I request records in a specific format?**  
The Freedom of Information Law allows you to request records in a specific format, if the agency has the records in that format. The agency may also be required to create a new record or format if it is necessary to provide you with the records.

**Does the law apply to computer records?**  
Yes. The law applies to all records, including computer records. The agency may be required to create a new record or format if it is necessary to provide you with the records.

## COMMON ROADBLOCKS

- You are told the records you want are confidential.**
  - TIP:** You are told to explain why you want the records before they will be provided.
- You are told to explain why you want the records before they will be provided.**
- You are told your request does not address records the agency has or is ready to release.**
- You are told the records you want are not held by the agency.**

## REALITY CHECK

- An agency may not have records unless disclosure would invade a person's privacy or prevent the agency from carrying out its duties. Even then, you may still be entitled to part of the records you want or to "redacted" or "blacked out" portions of the records. You should ask if the records you want can be partially tracked out so they can be released.**
- An agency cannot require that you explain why the records are being sought or what the intended use of the records might be, unless the request is for a list of names and addresses. In which case the agency can require an affidavit that they won't be used for commercial or fundraising purposes. You should ask the provider of the Freedom of Information Law.**
- Each agency is required to appoint a records access officer whose duties include helping you identify the records you want. You should ask that person for help to refine your request.**
- Each agency is required to maintain a "subject-matter list" that is detailed enough that you can find what types of records the agency keeps or what the records are used for. You should ask to see this list. You can also request a written affidavit that the agency does not have the records you want.**



**Bold and colorful graphics highlighted the strong editorial content in The Journal News of White Plains all through Sunshine Week. This full-page guide to getting government records in New York state came alive with illustrations that helped the reader navigate the steps to requesting information and appealing a rejection. Sidebars gave quick answers to FAQs as well as suggestions for common roadblocks.**