



December 4, 2015

Governor Andrew Cuomo
State Capitol
Albany, NY 12224

Re: Please increase transparency and reduce the risk of corruption by signing two bills that strengthen New York's Freedom of Information Law

Dear Governor Cuomo:

On Tuesday, you called up two bills that strengthen the Freedom of Information Law (FOIL). Our groups ask you to sign these FOIL bills as a step toward bringing more sunlight into Albany and fostering a culture of open and accountable state government. In the midst of unprecedented corruption scandals, New Yorkers want you to take the lead on increasing transparency and reducing corruption in Albany.

The State Committee on Open Government recommended both bills, A114 and A1438B, and both passed the legislature unanimously. The bills are narrowly focused, have a clear intent, and will be easy for the state to implement.

The Freedom of Information Law is the single most important tool for open and transparent government in New York State. Journalists and government watchdog groups depend on FOIL to help hold government accountable. Businesses rely on FOIL to ensure the government procurement process is fair. Unfortunately, state agencies often deliberately delay the FOIL process, or simply do not provide the requested records. Agencies know that it is very expensive for the public to appeal a FOIL request to the courts. Because of this, agencies are often able to effectively ignore FOIL without being challenged.

The two bills before you will strengthen FOIL by helping to reduce the incentive state agencies have to delay and ignore responses to public:

- A.114 reduces the time agencies have to appeal a judge's decision granting public access to public records to two months from nine months.
- A.1438B requires agencies to pay attorneys' fees and court costs when a member of the public has substantially prevailed and the court finds that the agency had no reasonable basis for failing to provide the records requested via FOIL.

Thank you,

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