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**THE LEAGUE  
OF WOMEN VOTERS**  
*of New York State*

April 15, 2015

**MEMORANDUM IN SUPPORT OF:**

A.114 (Buchwald) / S.1531 (Ranzenhofer)

**Subject:**

An act to amend the public officers' law, in relation to limiting the amount of time to appeal certain judgements regarding freedom of information violations

**SUMMARY OF PROVISIONS:**

The bill reduces the time agencies have to perfect an appeal from the loss of an Article 78 in the Supreme Court, from nine months to two months.

**STATEMENT OF SUPPORT:**

The League of Women Voters of New York State (LWVNYS) is a non-partisan, political organization that strongly believes government transparency is critical to encouraging informed and active citizen participation in government. LWVNYS shares in the concerns raised by other civic organizations and journalists that agencies purposefully delay FOIL requests which they find to be problematic and inconvenient. This practice undermines the ability of citizens to leverage FOIL as the resource for open and transparent government it is intended to be.

A.114/S.1531 expedites the process for determining appeals of FOIL decisions. Under the existing law, a denial of request for records may be overturned by an appellate court, but the government agency now has 9 months after service of a notice of appeal to perfect the appeal. This bill would reduce the time period agencies have to perfect an appeal to two months after the date of filing of the notice of appeal, and provides for preference in hearing such appeals, further expediting the appellate process.

The League of Women Voters of New York State concurs with the NYS Committee on Open Government's determination that the current law, which allows agencies to unduly delay a court decision, must be changed.

**The League of Women Voters of New York State, therefore, strongly supports the passage of S.1531/A.114.**