



CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
SCOTT M. STRINGER

MARJORIE LANDA
DEPUTY COMPTROLLER FOR
AUDIT

BUREAU OF AUDIT

May 12, 2020

By Electronic Mail

Dean Fuleihan
First Deputy Mayor
City Hall
New York, NY 10007

Dear First Deputy Mayor Fuleihan,

Pursuant to its authority under Chapter 5 of the City Charter, the Office of the New York City Comptroller is conducting an investigation concerning (1) the information related to COVID-19 and its potential impact on New York City residents and businesses received, created or issued by City government officials and agencies in advance of the March 22, 2020 effective date of New York State's stay-at-home order; and (2) the dissemination of that information to and among New York City agencies and officials, including but not limited to the Mayor. This letter requests that the City and its agencies preserve all relevant documents, including but not limited to those described in the attached Schedule, and produce them to our office in the manner described herein. To further this inquiry, we would appreciate your acknowledging receipt of this request by return email and designating a liaison who can facilitate the City's response.

As the Office of the Mayor, City agencies, and our health care providers actively work to address the ongoing health emergency, we will work with City Hall to ensure that this request for information does not divert attention from that effort. We will contact you to establish an appropriate schedule for the rolling production of the documents to our office, starting on June 9, 2020.

Please contact me at (212) 669-8459 or mland@comptroller.nyc.gov if you have any questions.

Thank you for attention to this matter.

Sincerely,

Marjorie Landa
Deputy Comptroller for Audit and Investigations

Enc.

cc: Raul Perea-Henze, MD, MPH, Deputy Mayor for Health and Human Services
Oxiris Barbot, MD, Commissioner, Department of Health and Mental Hygiene
Deanne Criswell, Commissioner, New York City Emergency Management
Mitchell Katz, MD, NYC Health + Hospitals

**SCHEDULE OF REQUESTED
DOCUMENTS AND INFORMATION**
[Attachment to Comptroller's Office's May 12, 2020,
Request for Information]

In accordance with the attached Rider of Definitions and Instructions, for the period from November 1, 2019 to March 22, 2020, unless otherwise specified, please provide all Documents including but not limited to all communications in e-mail, memoranda, guidance, rules, advisories, or any other written form received, created, or issued by the City as follows:

- 1) Documents that identify or describe the operational and decision-making structure in place for the City of New York (the "City") to address the public health emergency posed by the novel coronavirus or COVID-19 (the "Virus"), including but not limited to Documents that contain information about:
 - i) The identity of each City Agency that received information, advisories, guidance, and alerts related to the Virus from local, state, federal, and international public health officials, organizations, and authorities;
 - ii) The processes, procedures, policies, or practices established for communicating information received about the Virus to, within and among City Agencies;
 - iii) The processes, procedures, policies, or practices established for making decisions applicable to the City as a whole and to each City Agency in response to the health emergency related to the Virus; and
 - iv) The identities of the ultimate decision-makers for the City as a whole and for each City Agency with regard to actions to be taken by the City and City Agencies related to the Virus.

- 2) Documents received, created, or issued by the City Agencies charged with responsibility for addressing City public health matters, along with the dates of receipt and/or issuance, concerning measures that could or should be taken to reduce risk of New Yorkers contracting the Virus, including but not limited to Documents that contain information about:
 - i) The utility and effect of social distancing;
 - ii) The utility and effect of closures and other restrictions of non-essential businesses and locations (e.g., schools, restaurants, bars, retail establishments, parks, playgrounds, and gyms);
 - iii) The utility of widespread testing for the Virus;
 - iv) The availability and use of personal protective equipment ("PPE") by health care professionals; and
 - v) The availability and use of PPE or other forms of protection by non-medical personnel of essential businesses and public services, such as people who provide or work in public transportation systems, and those who work in grocery stores and pharmacies.

 - vi) Documents received, created, or issued by the City Agencies charged with responsibility for addressing City public health matters, including the dates of receipt and/or issuance, that contain projected infections and/or projected transmission rates (the average number of people who will contract a contagious disease from one person with that disease) and/or numbers of individual cases of infection by the Virus and rates and/or numbers of deaths that could occur in New York City, including those that identify: Projected infection and/or transmission rates and/or numbers of individual cases of infection and death for New York City overall and relating to or broken down by geographic locations within New York City;

- vii) Projected infection and/or transmission rates and/or numbers of individual cases of infection and death broken down by demographic characteristics, including age, gender, race, ethnicity, and immigration status;
 - viii) Projected infection and/or transmission rates and/or numbers of individual cases of infection and death among individuals with preexisting health conditions, including but not limited to asthma, diabetes, hypertension, heart disease, and a weakened immune system; and
 - ix) Projected infection and/or transmission rates of and/or numbers of individual cases of infection and death among individuals broken down by their housing situations, including but not limited to household size, households residing in multiple dwellings, one- and two-family homes, public housing developments, shared dwelling units, dormitories, overcrowded conditions, homeless shelters, nursing homes, and jails.
- 3) Documents received, created, or issued by City Agencies charged with responsibility for addressing City public health matters, along with the dates of receipt and/or issuance, concerning:
- i) The means of transmission of the Virus;
 - ii) Rates or percentages of people infected by the Virus who are asymptomatic;
 - iii) The possibility and/or frequency of asymptomatic transmission of the Virus;
 - iv) The length of time the Virus remains viable on surfaces of all types; and
 - v) Incidence of the Virus occurring outside and inside the United States;
- 4) Documents received, created, or issued by City Agencies charged with responsibility for addressing City public health matters, including the dates of receipt and/or issuance, concerning the projected needs for medical treatment as a result of the Virus, including those that describe, estimate or set forth projected needs for:
- i) hospital beds;
 - ii) emergency room capacity;
 - iii) intensive care beds;
 - iv) medical staff;
 - v) PPE;
 - vi) medical equipment, and drugs;
 - vii) projected needs of hospitals and walk-in and other ambulatory care facilities in relation to personnel, equipment, and medications;
 - viii) ambulances and other vehicles for the transport of patients, equipment, drugs and supplies; and
 - ix) the adequacy of existing capacity in the City of these items.

RIDER OF DEFINITIONS AND INSTRUCTIONS
[Attachment to Comptroller’s Office’s May 12, 2020,
Request for Information]

The following Definitions and Instructions apply when responding to the attached Schedule of Requested Documents and Information and any future Comptroller’s Office requests made in connection with this matter.

A. Definitions:

1. “Any” and “all” mean “any or all.”
2. “And” and “or” mean “and/or.”
3. “City” means the City of New York and its Agencies as defined herein.
4. “City Agency” or “City Agencies” means a City, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the City treasury and agencies the majority of whose members are appointed by City officials.
5. “City Agencies charged with responsibility for addressing City public health matters” shall mean the Office of the Mayor, Department of Health and Mental Hygiene, New York City Emergency Management, the New York City Fire Department, specifically, its Emergency Medical Services bureau, and NYC Health + Hospitals, and any additional City agency with responsibility conferred by law or direction of the Mayor for addressing matters directly relating to public health during the period from November 1, 2019 to March 22, 2020.
6. “Document” means every responsive writing or record of whatever type and description in the City’s possession, custody, or control on which information is recorded in any way whatsoever, including all handwritten, typed, printed, recorded, transcribed, taped, filmed, graphic- or sound-reproduction material, and computer records, including, but not limited to, letters, e-mails, instant messages or other wireless paper messages, studies, charts, graphs, printouts and programs, and copies of Documents which are not identical duplications of the originals (e.g., because notes appear thereon or are attached thereto). A draft or non-identical copy is a separate Document within the meaning of this term.
7. “Entity” means any business, legal or government body, association, or corporation, as well as all parents, subsidiaries, trustees, directors, employees, agents, independent contractors, predecessors, successors, and assigns thereof.
8. “Person” means any Entity or natural person.

B. Instructions

1. If any responsive Document is in the possession, custody, or control of City vendors, assigns, or persons or Entities with the City has a contract, the City must obtain and produce the Document.
2. If any Document requested herein was formerly in the City's possession, custody, or control and has been lost or destroyed, provide a written statement that: (a) describes in detail the nature of the Document and its content; (b) identifies the Person who prepared the Document and its contents; (c) identifies the Persons who have seen or had possession of the Document; (d) specifies the dates on which the Document was prepared, transmitted, and/or received; (e) specifies the date(s) on which the Document was lost or destroyed; (f) states the conditions of and reasons for such destruction and the persons who requested and who performed the destruction; and (g) identifies all Persons with knowledge of any portion of the contents of the Document.
3. Do not destroy, modify, redact, remove, or otherwise make inaccessible any Document called for by this request, except as directed by these Instructions.
4. The singular form of a word shall be construed to include within its meaning the plural form of the word, and vice versa, and the use of any tense of any verb shall be considered to also include all other tenses, in a manner that gives this Schedule the broadest reading.
5. If any Document is withheld based on a legal claim of privilege, provide a statement setting forth:
 - i. the name and title of the Document's author and, if different, the Document's preparer and signatory;
 - ii. the name and title of the person to whom the Document was addressed;
 - iii. the names and titles of all persons to whom the Document or a copy of the Document was sent or to whom the Document or a copy, or any part thereof, was shown;
 - iv. the date of the Document;
 - v. the number of pages in the Document;
 - vi. a brief description of the Document's subject matter;
 - vii. the specific legal basis of the privilege claimed; and
 - viii. the paragraph of this Schedule to which the Document is responsive.
6. For any policy, procedure, rule, or guidance document provided in response to this request, please state the effective date of each such record and provide copies of any policies, procedures, rules, or guidance documents superseded by or referenced therein.