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Sunlight in the City:

A Practical Blueprint for FOIL
Operations and Government
Transparency

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Executive Summary

The New York State Freedom of Information Law (“FOIL”), codified in Article 6 of the Public Officers Law (N.Y. Pub. Off. Law §§ 84–90), is the state’s principal statutory framework for ensuring public access to government records. FOIL rests on the principle that good governance requires transparency, accountability, and an informed public. Enacted in 1974 and substantially revised in 1977, FOIL reflects the Legislature’s view that “a free society is maintained when government is responsive and responsible to the public, and when the public is aware of governmental actions” (N.Y. Pub. Off. Law § 84). FOIL creates a “presumption of access,” meaning that under the law, “all records kept, held, filed, produced, or reproduced by, with, or for an agency” must be made available for public inspection, unless the records fall within one of the specific exemptions set forth in N.Y. Pub. Off. Law § 87(2). In practice, this means that existing records in an agency’s possession that do not fall into one or more recognized FOIL exemptions must be produced if requested. However, FOIL only applies to existing records, so an agency is not required to create records to respond to a FOIL request or to provide agency information if that information is not already embodied in a record. FOIL also advances government transparency by setting clear procedures for submitting and responding to requests, providing a mechanism for prompt administrative appeals, and permitting judicial review under Article 78 of the New York Civil Practice Law and Rules.

FOIL operates within a broader national landscape of transparency laws. At the federal level, the Freedom of Information Act (“FOIA”) gives the public access to records from federal agencies, including law-enforcement, labor and regulatory bodies, many of which now appear in the FBI’s publicly accessible records vault. Every state has likewise adopted its own open-records laws. Florida’s Sunshine Law, for example, has historically been one of the nation’s most robust transparency statutes and helped fuel the state’s reputation for the widely publicized “Florida Man” stories. In recent years, however, a growing anti-transparency trend has begun to erode access rights; for example, in 2023, the Florida Legislature approved a measure shielding Governor Ron DeSantis’s taxpayer-funded travel records from public release.

The New York City Comptroller's Office plays a central role in the City's efforts to promote transparency and public trust, using its Charter oversight powers to ensure that public resources and agency performance remain accountable and accessible. As the City's chief auditor and fiscal watchdog, the Office audits all city agencies, reviews public contracts for registration, oversees nearly \$295 billion in pension fund assets (as of June 30, 2025), and monitors the use of taxpayer funds. By publicly releasing audit records, budgets, contracts, and claims data via FOIL, the Comptroller's Office enables New Yorkers to evaluate government operations, hold agencies accountable, and strengthen confidence in municipal governance. Handling over 5,000 FOIL requests annually, the Comptroller's Office is widely recognized as one of the City's most transparent and responsive agencies. In the last four years, the Office has deepened its commitment to transparency by collaborating with journalists, labor law attorneys, public interest groups, and constituents to provide timely, comprehensive access to public records in its possession, thereby reinforcing its role as the City's model for transparency and good governance.

Agency Performance Highlights

The New York City Comptroller's Office FOIL Unit exemplifies operational excellence and a strong commitment to open government, consistently setting the standard for FOIL responsiveness among City agencies. From 2022 through 2025, the FOIL Unit has completed over 20,000 requests, including more than 850 responses to reporters and more than 11,000 responses to the Civilian Complaint Review Board to facilitate the Board's police misconduct investigations.

The effectiveness of the agency's FOIL program is also reflected in the low number of FOIL appeals received annually, demonstrating the Office's consistent ability to provide timely, accurate, fair, and complete responses. Despite receiving over 20,000 FOIL requests from 2022 through 2025, the Office received just 37 FOIL appeals, only two of which were escalated to an Article 78 proceeding for judicial review, and both of which were summarily dismissed by the Court in favor of the Comptroller's Office. This record underscores the Office's adherence to the FOIL statute and its effectiveness in administering the FOIL process in a manner that is fair and able to withstand judicial scrutiny.

2022: FOIL in a Post-COVID World

The pandemic accelerated the City's transition to electronic records and fundamentally changed how the public engages with FOIL. For example, in the final year of former Comptroller Stringer's administration in 2021, the Office completed a total of 3,671 FOIL requests. Since then, the volume of requests received by the agency has increased by at least 1,000 requests annually, reflecting both heightened public demand for transparency and the Comptroller's FOIL Unit's ability to meet it. Notably, the Office's collaboration with members of the press to provide timely FOIL responses has supported press transparency and enabled prompt reporting of news stories. As a result, the Comptroller's Office has developed a reputation for responsiveness, which in turn drives up request volumes, reinforcing the importance of maintaining efficient and effective records-management processes.

Category of Requester	Number of FOIL Requests Completed Between January 1, 2022 through December 31, 2022
Attorneys & Law Firms	791
CCRB	2618
Consolidated Edison	373
Miscellaneous	487
Press	220
TOTAL	4483

2023: Humanitarian Emergency Response and Relief Centers

FOIL trends are often driven by issues that capture public attention. For example, in 2023, the FOIL Office led the release of hundreds of contracts related to NYC Health + Hospitals' Humanitarian Emergency Response and Relief Centers, which provide emergency housing, food, and services for thousands of asylum seekers arriving in the City. Despite the high volume of social-services contracts disclosed, the FOIL Unit carefully redacted sensitive information in each record to protect the locations of emergency-shelter sites, in accordance with N.Y. Pub. Off. Law § 87(2)(a) and Social Services Law § 136(1). This approach strikes a balance

between promoting transparency about the City's emergency-shelter operations and safeguarding the privacy of individuals receiving public assistance.

Category of Requester	Number of FOIL Requests Completed Between January 1, 2023 through December 31, 2023
Attorneys & Law Firms	1162
CCRB	3210
Consolidated Edison	318
Government	155
Miscellaneous	454
Press	209
TOTAL	5508

2024: Termination of NYPD Confidential Protocol Agreement

In May 2024, the Comptroller's Office terminated its 2021 Confidential Protocol Agreement governing NYPD Special Expense ("SPEX") contracts. The SPEX budget was historically an undisclosed NYPD fund used to purchase surveillance tools, including facial-recognition technology, predictive-policing software, and cell-site simulators.¹ Under the now-terminated agreement, the NYPD shielded these contracts from public disclosure by maintaining them exclusively in pre-redacted paper form, which limited the Comptroller's ability to independently review SPEX contracts when responding to FOIL requests. Terminating the Confidential Protocol Agreement enabled the Comptroller's Office to provide greater disclosure where legally permitted and reaffirmed its commitment to transparency.

Category of Requester	Number of FOIL Requests Completed Between January 1, 2024 through December 31, 2024
Attorneys & Law Firms	1118
CCRB	2900
Consolidated Edison	373

¹ <https://legalaidnyc.org/spex>

Category of Requester	Number of FOIL Requests Completed Between January 1, 2024 through December 31, 2024
Government	240
Miscellaneous	609
Press	258
TOTAL	5498

2025: Removing redactions from the NYCE PPO Agreement

In Fall 2025, the City announced plans to replace the existing health insurance plan for active City employees and pre-Medicare retirees with the NYC Employees PPO (“NYCE PPO”) plan. The contracting agency, the NYC Office of Labor Relations, initially posted a heavily redacted version of the contract online. Through the FOIL Unit’s legal review and advocacy, the Comptroller’s Office secured the release of a significantly less-redacted version of the NYCE PPO contract. This outcome reflects the Office’s commitment to transparency by ensuring that contract changes affecting the public are accessible while still protecting confidential contractor trade-secret information, as required by law.

Category of Requester	Number of FOIL Requests Completed Between January 1, 2025 through December 31, 2025
Attorneys & Law Firms	1239
CCRB	2591
ConEdison	405
Government	296
Miscellaneous	781
Press	175
TOTAL	5487

Demystifying the Comptroller's FOIL Process

FOIL requests can vary widely in complexity, and some take significant time to process. Delays or unacknowledged requests can hinder public access to government records, but the New York City Comptroller's Office maintains a 100% response rate, ensuring that every request is acknowledged and completed.

In determining what constitutes a reasonable response time, the Comptroller's Office staff considers several factors, including the size of the request; the ease or difficulty of locating, retrieving, or generating records; the complexity of the materials requested; the amount of time needed to review records to determine the scope of disclosure; and the number of FOIL requests being processed simultaneously by the agency. See Committee on Open Government, Opinion No. 19830 (stating that agencies must consider volume, complexity, retrieval effort, review requirements, and similar factors when determining a reasonable response time). These operational considerations help ensure that response timelines remain realistic and transparent. Simple requests for copies of a single Notice of Claim or a single contract are often fulfilled within five business days or less, while more complex requests, such as expansive email searches or requests for investment records, require additional time for review before disclosure.

Courts have affirmed the application of these timeliness factors. In *Save Monroe Ave., Inc. v. New York State Department of Transportation*, 196 A.D.3d 808 (2021), the court upheld the agency's repeated extensions of the response date due to the high volume of FOIL requests and the complexity of the records sought. The court emphasized that the agency's actions were reasonable because it provided timely acknowledgments and explanations for the delays, and the extensions were issued before the expiration of the previously set response dates. Similarly, in *Empire Center for Public Policy v. New York State Department of Health*, 72 Misc.3d 759 (2021), the court recognized that agencies could extend response times for a "reasonable period" when circumstances prevent disclosure, such as the complexity of the request and the volume of records to be reviewed. Together, these decisions illustrate the judiciary's recognition of FOIL's practical implementation challenges.

By adhering to these standards, the Comptroller's Office ensures timely, transparent, and complete responses to all FOIL requests while accommodating the operational realities of processing large or complex records requests.

Drafting a Successful FOIL Request

A well-crafted FOIL request greatly increases the likelihood that an agency will process it promptly and provide the records sought. FOIL requires that requests for agency records “reasonably describe” the records being sought. In practice, this means that a request should clearly identify the documents being requested, specifying the type of record, relevant date ranges, and, when possible, the departments or personnel involved, while avoiding vague or overly broad descriptions. A clear and precise FOIL request will often allow for a quicker response than a vague, overly broad, and expansive request that is not focused on specific issues or matters. Clear scoping also reduces the need for back-and-forth clarification, which can delay response times.

For example, a targeted request for agency contract records might identify specific contract ID numbers or contractor names, which can often be located through CheckbookNYC.² Conversely, a request for “all City IT contracts in the Comptroller's Office's possession since 2022” is overly broad and would make it difficult for the agency to locate responsive records. Such a request would likely be denied for “failing to reasonably describe the records sought” under N.Y. Pub. Off. Law § 89(3). Similarly, a targeted claims-data FOIL request might seek “all personal injury claims related to sidewalk incidents at 1 Centre Street from January 1 through June 30, 2023,” whereas a request for “all claims received by the Comptroller's Office since 2000” is too expansive and could delay processing.

Agencies can only provide records they actually maintain. For instance, the Comptroller's Office's Bureau of Law and Adjustment maintains specific, defined categories of claims data, which can help requesters refine their FOIL requests.³ Understanding the categories an agency maintains can significantly improve requester accuracy. The FOIL Officer is also available to assist requesters in

²<https://www.checkbooknyc.com>

³<https://comptroller.nyc.gov/reports/annual-claims-report>

narrowing or amending their requests to ensure they are clear, targeted, and capable of being fulfilled. By applying the statutory requirement that FOIL requests “reasonably describe” the records sought, the Comptroller’s Office can provide timely, transparent, and complete responses while managing the practical demands of locating and reviewing large or complex sets of records.

FOIL Submission, Acknowledgement, Record Collection and Review

The Comptroller’s Office accepts FOIL requests by email or through the agency’s FOIL submission portal on the Comptroller’s website, which is our preferred method.⁴ Each request is assigned a unique FOIL ID number and, depending on the type of request, a tentative response date is provided at the outset. Some requests inherently require more time to process. For example, investment-related requests are generally scheduled for a response approximately 30 business days after receipt to allow adequate time to identify, collect, and review these complex business records. Establishing response timelines from the beginning helps ensure that deadlines are met and minimizes the need for extensions. Clear communication of these timelines also reduces appeals alleging constructive denial, which occur when a request is not acknowledged or timely completed.

The FOIL process begins with coordination between the FOIL Officer and Comptroller’s Office bureau FOIL liaisons. For complex matters such as claims data reports or labor investigation files, the FOIL Officer works with the appropriate bureau FOIL liaison to locate and gather all potentially responsive records. Once collected, the FOIL Officer reviews the records to confirm responsiveness and determine whether any information may be permissibly redacted under the FOIL statute. The Office then discloses the responsive records to the requester, applying redactions where necessary and providing an explanation for any withheld material. This step-by-step review process ensures consistency and legal accuracy across all disclosures.

⁴ <https://comptroller.nyc.gov/services/for-the-public/freedom-of-information-law-foil-requests/submit-online/>

Inter-Agency Document Review Protocol

When a FOIL request involves records originally provided by another City agency, the Comptroller's Office may consult with that agency regarding a proposed production.⁵ The contracting agency is asked to review the records within five business days and suggest any redactions, along with legal justification for any suggested redactions. The Comptroller's Office retains authority to accept or reject these suggested redactions to maintain an appropriate balance between transparency and the protection of exempt information. This ensures that redaction decisions remain consistent with FOIL requirements and the Office's commitment to transparency.

Exemptions & Redactions

The FOIL statute establishes a strong presumption in favor of public access to government records, while also recognizing the need to protect certain sensitive information. Common exemptions include records whose disclosure would constitute an unwarranted invasion of personal privacy (N.Y. Pub. Off. Law § 87(2)(b)); preliminary or deliberative inter-agency or intra-agency materials (id. § 87(2)(g)); records that could compromise public safety, law-enforcement investigations, or confidential sources (id. § 87(2)(e)–(f)); trade secrets and confidential financial information provided to an agency (id. § 87(2)(d)); and computer access information or other IT-related data that, if disclosed, could jeopardize system security or integrity (id. § 87(2)(i)).

In practice, the Comptroller's Office applies these exemptions as narrowly as practicable. N.Y. Pub. Off. Law § 87(2)(b) is used to protect portions of records containing personal information, such as home addresses or medical records, which may be redacted or withheld entirely. N.Y. Pub. Off. Law § 87(2)(d) is applied to safeguard trade secrets and proprietary contractor information, protecting both the City's ability to pursue future contracts and contractors' competitively sensitive information. N.Y. Pub. Off. Law § 87(2)(i) protects sensitive IT information that could compromise the security or integrity of the agency's

⁵ <https://comptroller.nyc.gov/services/for-the-public/freedom-of-information-law-foil-requests/overview/#:~:text=Inter%2DAgency%20Document%20Review%20Protocol%3A%20Ensuring%20Compliance%2C%20Confidentiality%20and%20Transparency>

computer systems. These exemptions are interpreted narrowly, and agencies are generally required to release all non-exempt information, balancing transparency with privacy and operational considerations.

The Comptroller's FOIL Officer reviews each record prior to release, carefully identifying information that may require redaction. This ensures that sensitive material is protected while providing the public with as much information as possible. This approach promotes consistent, legally grounded disclosure practices across all record types.

Emerging FOIL Landscape

New York remains one of the slowest states in the nation for fulfilling public records requests. According to the public records platform MuckRock, the state ranks 47 out of 50 for response times, with an average fulfillment period of 147 days.⁶ Statewide watchdog group Reinvent Albany has documented significant delays and inconsistencies in agency compliance. Within New York City, response times vary widely between agencies. Reinvent Albany, reported that the Board of Elections averages just four days to respond, while the Mayor's Office averages nearly 300 days, and the Department of Correction averages nearly 500 days.⁷

Despite the broader challenges in state-level FOIL compliance and delays, the New York City Comptroller's FOIL program stands out as a high-performing model of responsiveness and good governance. The Office consistently provides timely, accurate, and complete access to public records, demonstrating how transparency and efficiency can be achieved even in a challenging legislative environment. These comparative results highlight the value of consistent city-wide internal processes, adequately resourced FOIL teams, and clear communication with requesters.

⁶ <https://nysfocus.com/2025/10/20/hochul-foil-transparency-veto>

⁷ <https://reinventalbany.org/2025/04/report-new-york-city-government-flouting-freedom-of-information-law/>

Conclusion, Best Practices, and Recommendations for FOIL Administration

The four-year period covered in this report demonstrates that effective FOIL administration is achievable through clear procedures, consistent communication, and a commitment to transparency grounded in statutory requirements. While agencies across New York State continue to navigate operational challenges such as high request volumes, complex record formats, and limited resources, the Comptroller's Office has shown that timely, accurate, and comprehensive FOIL responses can be delivered through disciplined internal processes and strong interagency coordination.

Within this broader landscape, the Comptroller's FOIL program offers a practical model for how agencies can strengthen responsiveness. The Office's approach—anchored in structured workflows, early timeline setting, targeted record searches, and narrowly tailored redactions—illustrates best practices that can be replicated across City agencies to enhance compliance and improve the requester experience.

Looking ahead, agencies can continue to advance FOIL efficiency and transparency by adopting several foundational best practices:

- **Centralized request management:** A unified submission and tracking portal would streamline intake, reduce misdirected requests, and allow requesters to monitor progress in real time.
- **Clear communication of timelines and extensions:** Establishing projected response dates at the outset and providing timely updates supports transparency and reduces appeals.
- **Targeted training for staff:** Regular FOIL training ensures consistent application of statutory standards, proper use of exemptions, and awareness of agency-specific record types.
- **Use of focused request-scoping assistance:** Helping requesters narrow or refine their submissions promotes faster processing and reduces back-and-forth communications.

By implementing these practices, agencies citywide can strengthen compliance with the letter and spirit of FOIL, reduce administrative burdens, and support more meaningful public access to government records. The Comptroller's Office will continue to uphold its commitment to transparency and serve as a resource for agencies seeking to enhance their FOIL operations. As the City's operational environment continues to evolve, sustained investment in FOIL processes will remain essential to maintaining public trust and advancing open government.





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