

# STATE OF NEW YORK

1630--B

Cal. No. 269

2019-2020 Regular Sessions

## IN SENATE

January 15, 2019

Introduced by Sens. SKOUFIS, GOUNARDES, HOYLMAN, KRUEGER, PARKER, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public officers law, in relation to publishing records of public interest by agencies and the state legislature

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 84 of the public officers law, as added by chapter  
2 933 of the laws of 1977, is amended to read as follows:

3 § 84. Legislative declaration. The legislature hereby finds that a  
4 free society is maintained when government is responsive and responsible  
5 to the public, and when the public is aware of governmental actions. The  
6 more open a government is with its citizenry, the greater the under-  
7 standing and participation of the public in government.

8 As state and local government services increase and public problems  
9 become more sophisticated and complex and therefore harder to solve, and  
10 with the resultant increase in revenues and expenditures, it is incum-  
11 bent upon the state and its localities to extend public accountability  
12 wherever and whenever feasible.

13 The people's right to know the process of governmental decision-making  
14 and to review the documents and statistics leading to determinations is  
15 basic to our society. Access to such information should not be thwarted  
16 by shrouding it with the cloak of secrecy or confidentiality.

17 Since the freedom of information law was first adopted, advances in  
18 technology have enhanced the ability to gain access to and widely  
19 disseminate public information. Accordingly, the legislature finds that

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 government agencies, when agencies have the ability to do so, should  
2 publish records proactively on the internet that are of public interest  
3 and available under this article.

4 The legislature therefore declares that government is the public's  
5 business and that the public, individually and collectively and repres-  
6 ented by a free press, should have access to the records of government  
7 in accordance with the provisions of this article.

8 § 2. Section 90 of the public officers law is renumbered section 90-a  
9 and a new section 90 is added to read as follows:

10 § 90. Records of public interest. 1. Each agency and house of the  
11 state legislature shall publish, on its internet website, when the agen-  
12 cy or house of the state legislature has the ability to do so, records  
13 or portions of records that are available to the public pursuant to the  
14 provisions of this article, and which, in consideration of their nature,  
15 content or subject matter, are determined by the agency to be of  
16 substantial interest to the public. Any such records may be removed from  
17 the internet website when the agency or house of the state legislature  
18 determines that they are no longer of substantial interest to the  
19 public. Any such records may be removed from the internet website when  
20 they have reached the end of their legal retention period. Guidance on  
21 creating records in accessible formats and ensuring their continuing  
22 accessibility shall be available from the office for technology and the  
23 state archives.

24 2. The provisions of subdivision one of this section shall not apply  
25 to records or portions of records the disclosure of which would consti-  
26 tute an unwarranted invasion of personal privacy in accordance with  
27 subdivision two of section eighty-nine of this article.

28 3. The committee on open government shall promulgate regulations to  
29 effectuate this section.

30 4. Nothing in this section shall be construed as to limit or abridge  
31 the power of an agency or house of the state legislature to publish  
32 records on its internet website that are subject to the provisions of  
33 this article prior to a written request or prior to a frequent request.

34 § 3. This act shall take effect on the ninetieth day after it shall  
35 have become a law.