STATE OF NEW YORK

9607

IN SENATE

March 27, 2026

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the public officers law, in relation to certain reforms for agencies subject to the freedom of information law

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

Section 1. Subparagraph ii of paragraph (b) of subdivision 1 of section 87 of the public officers law, as added by chapter 933 of the laws of 1977, is amended to read as follows:

ii. the persons from whom such records may be obtained, **and to whom a requestor may appeal a complete denial, partial denial, or constructive denial, and how to request records from or appeal denials to such persons, including but not limited to a mailing address and an email address for each such person;** and

§ 2. Subdivision 4 of section 87 of the public officers law, as added by chapter 890 of the laws of 1981 and paragraph (c) as added by chapter 102 of the laws of 2007, is amended to read as follows:

4. (a) Each state agency which maintains records containing trade secrets, to which access may be denied pursuant to paragraph (d) of subdivision two of this section, shall promulgate regulations in conformity with the provisions of subdivision five of section eighty-nine of this article pertaining to such records, including, but not limited to the following:

(1) the manner of identifying the records or parts;

(2) the manner of identifying persons within the **state** agency to whose custody the records or parts will be charged and for whose inspection and study the records will be made available;

(3) the manner of safeguarding against any unauthorized access to the records.

(b) [~~As used in this subdivision the term "agency" or "state agency" means only a state department, board, bureau, division, council or office and any public corporation the majority of whose members are appointed by the governor.~~

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

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~~(c)~~] Each [~~state~~] agency that maintains a website shall post information related to this article and article six-A of this chapter on its website. Such information shall include, at a minimum, contact information for the persons from whom records of the agency may be obtained **as promulgated pursuant to subparagraph ii of paragraph (b) of subdivision one of this section**, the times and places such records are available for inspection and copying, and information on how to request records in person, by mail, [~~and, if the agency accepts requests for records electronically,~~] by e-mail**, and by any other additional means the agency shall designate**. [~~This posting~~] **Such postings by state agencies** shall be linked to the website of the committee on open government.

§ 3. Paragraphs (b) and (c) of subdivision 3 of section 89 of the public officers law, paragraph (b) as amended by chapter 223 of the laws of 2008 and paragraph (c) as added by chapter 47 of the laws of 2018, are amended and a new paragraph (d) is added to read as follows:

(b) All entities shall, provided such entity has reasonable means available, accept requests for records **and appeals of denials of access to records** submitted in the form of electronic mail and shall respond to such requests by electronic mail, using forms[~~, to the extent practicable,~~] consistent with the form or forms developed by the committee on open government pursuant to subdivision one of this section and provided that the written requests do not seek a response in some other form.

(c) Each state agency[~~, as defined in subdivision five of this section,~~] that maintains a website shall ensure its website provides for the online submission of a request for records pursuant to this article.

(d) Each agency that maintains a website shall provide on such website the name, job title, mailing address, phone number, and e-mail address for such agency's records access officer and the individual or body established to determine appeals by such agency.

§ 4. Paragraph (a) of subdivision 4 of section 89 of the public officers law, as amended by chapter 22 of the laws of 2005, is amended to read as follows:

(a) Except as provided in subdivision five of this section, any person denied access to a record may within thirty days appeal in writing such denial to the head, chief executive or governing body of the [~~entity~~] **agency**, or the person therefor designated by such head, chief executive, or governing body, who shall within ten business days of the receipt of such appeal fully explain in writing to the person requesting the record the reasons for further denial, or provide access to the record sought. **Each agency shall allow for any person to appeal denial of access to records in the form of electronic mail. Any agency whose website provides for the online submission of a request for records pursuant to this article shall allow for any person to appeal denial of access to records through such website.** In addition, each agency shall immediately forward to the committee on open government a copy of such appeal when received by the agency and the ensuing determination thereon. Failure by an agency to conform to the provisions of subdivision three of this section shall constitute a denial.

§ 5. This act shall take effect on the thirtieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.