

# STATE OF NEW YORK

10098

## IN SENATE

April 28, 2026

Introduced by Sens. SKOUFIS, COMRIE, JACKSON -- 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 timeframes for responding to requests for records under the freedom of information act

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

1 Section 1. Subdivision 3 of section 89 of the public officers law, as  
2 amended by chapter 223 of the laws of 2008 and paragraph (c) as added by  
3 chapter 47 of the laws of 2018, is amended to read as follows:

4 3. (a) Each entity subject to the provisions of this article, within  
5 five business days of the receipt of a written request for a record  
6 reasonably described, shall make such record available to the person  
7 requesting it, deny such request in writing or furnish a written  
8 acknowledgement of the receipt of such request and a statement of the  
9 approximate date, which shall be reasonable under the circumstances of  
10 the request, when such request will be granted or denied, including,  
11 where appropriate, a statement that access to the record will be deter-  
12 mined in accordance with subdivision five of this section. An agency  
13 shall not deny a request on the basis that the request is voluminous or  
14 that locating or reviewing the requested records or providing the  
15 requested copies is burdensome because the agency lacks sufficient  
16 staffing or on any other basis if the agency may engage an outside  
17 professional service to provide copying, programming or other services  
18 required to provide the copy, the costs of which the agency may recover  
19 pursuant to paragraph (c) of subdivision one of section eighty-seven of  
20 this article. An agency may require a person requesting lists of names  
21 and addresses to provide a written certification that such person will  
22 not use such lists of names and addresses for solicitation or fund-rais-  
23 ing purposes and will not sell, give or otherwise make available such  
24 lists of names and addresses to any other person for the purpose of  
25 allowing that person to use such lists of names and addresses for solic-  
26 itation or fund-raising purposes. If an agency determines to grant a

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

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1 request in whole or in part, and if circumstances prevent disclosure to  
2 the person requesting the record or records within twenty business days  
3 from the date of the acknowledgement of the receipt of the request, the  
4 agency shall state, in writing, both the reason for the inability to  
5 grant the request within twenty business days and a date certain within  
6 a reasonable period, depending on the circumstances, when the request  
7 will be granted in whole or in part, provided, however, that such date  
8 certain shall meet the requirements of subdivision three-a of this  
9 section. Upon payment of, or offer to pay, the fee prescribed therefor,  
10 the entity shall provide a copy of such record and certify to the  
11 correctness of such copy if so requested, or as the case may be, shall  
12 certify that it does not have possession of such record or that such  
13 record cannot be found after diligent search. Nothing in this article  
14 shall be construed to require any entity to prepare any record not  
15 possessed or maintained by such entity except the records specified in  
16 subdivision three of section eighty-seven and subdivision three of  
17 section eighty-eight of this article. When an agency has the ability to  
18 retrieve or extract a record or data maintained in a computer storage  
19 system with reasonable effort, it shall be required to do so. When doing  
20 so requires less employee time than engaging in manual retrieval or  
21 redactions from non-electronic records, the agency shall be required to  
22 retrieve or extract such record or data electronically. Any programming  
23 necessary to retrieve a record maintained in a computer storage system  
24 and to transfer that record to the medium requested by a person or to  
25 allow the transferred record to be read or printed shall not be deemed  
26 to be the preparation or creation of a new record.

27 (b) All entities shall, provided such entity has reasonable means  
28 available, accept requests for records submitted in the form of elec-  
29 tronic mail and shall respond to such requests by electronic mail, using  
30 forms, to the extent practicable, consistent with the form or forms  
31 developed by the committee on open government pursuant to subdivision  
32 one of this section and provided that the written requests do not seek a  
33 response in some other form.

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

37 § 2. Section 89 of the public officers law is amended by adding a new  
38 subdivision 3-a to read as follows:

39 3-a. (a) Agencies shall make records available to the person request-  
40 ing them within the timeframes below if such agency has determined to  
41 grant a request in whole or in part:

42 (i) within one hundred eighty days for requests made prior to December  
43 thirty-first, two thousand twenty-seven;

44 (ii) within ninety days for requests made between January first, two  
45 thousand twenty-eight, and December thirty-first, two thousand twenty-  
46 eight; or

47 (iii) within sixty days for requests made on or after January first,  
48 two thousand twenty-nine.

49 (b) If an agency determines that records cannot be made available  
50 within the relevant timeframe, such agency may instead make the records  
51 available as soon as possible if one or more of these conditions apply:

52 (i) federal law or regulation prevents the agency from reviewing or  
53 providing responsive records within the relevant timeframe;

54 (ii) agency employees are unable to safely access responsive records;

55 or

1 (iii) responsive records are so voluminous that the agency could not  
2 reasonably review such records within the relevant timeframe.

3 (c) If the agency makes such determination, it shall notify the person  
4 who made the request in writing. Such notification shall explain in  
5 detail why the agency is unable to provide the records within the  
6 required timeframe and what efforts are being undertaken to make the  
7 records available as soon as possible. The agency shall also provide the  
8 person who made the request monthly updates on progress. The agency  
9 shall also notify the committee on open government in writing. The  
10 notifications to both the requestor and the committee shall be signed by  
11 the agency's commissioner.

12 § 3. This act shall take effect January 1, 2027; provided, however,  
13 section two of this act shall not apply to requests concerning records  
14 subject to litigation with third parties involving application of  
15 exemptions consistent with paragraph (d) of subdivision 2 of section 87  
16 of the public officers law on such date.