

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:

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

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

9 § 2. Subdivision 4 of section 87 of the public officers law, as added
10 by chapter 890 of the laws of 1981 and paragraph (c) as added by chapter
11 102 of the laws of 2007, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

30 § 4. Paragraph (a) of subdivision 4 of section 89 of the public offi-
31 cers law, as amended by chapter 22 of the laws of 2005, is amended to
32 read as follows:

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

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