

**How to access environmental information from state and local government in New York.**

**MAKE GOOD NOTES**

If you are trying to track down information, we recommend that you keep track of everyone you are referred to, and their contact information, and take notes on what they tell you. Keep the information in a dedicated notebook or folder or in one file on your computer.

**STARTING OUT**

**NYS Department of Environmental Conservation**

Main number, Central Office in Albany: 518-402-8545

Region 5, Warrensburg Office: 518-623-1200

To open a Freedom of Information request with DEC, go to the DEC portal.

<https://www.ny.gov/programs/open-foil-ny>

**NYS'S OPEN GOVERNMENT LAWS**

Find out more at <https://www.dos.ny.gov/coog/>

1. **Open Meeting Law:** Public meetings cannot be held in secret (with some exceptions like for personnel matters).

2. Using the **NYS Freedom of Information Law:**

a. Ask the agency or city/village/county for the name of the "Public Records Officer" and their phone number and email address.

b. Send your request in writing. Email is fine.

c. Use the following boilerplate language for a FOIL request. (Cut and paste this into your request):

Under the provisions of the New York Freedom of Information Law, Article 6 of the Public Officers Law, I hereby request the following "records" from  
\_\_\_\_\_ [specify the department, agency, etc.]

Be sure to insert a list describing the records you want.

Specify whether you want the records digitally or paper documents. A government entity can charge you something (like \$0.25 per page) for paper copies. You can ask them to tell you how much it will cost to fulfill your request in advance.

Pre-COVID-19 it was often possible to ask to review the records you were interested in seeing in their office. This would eliminate any cost for scanning or copying. They would bring you a box

of file folders to review. Sometimes they would have a minder sit with you to make sure that you didn't stuff any papers into your bag.

You could bring a scanner or copy machine to an office to copy papers. Otherwise you would have to pay a copying charge if you wanted copies of anything.

d. Identify what "records" you are requesting. You can simply request the records pertaining to xyz, but you will get better results if you can be specific. (If you ask for a document by the wrong name, the agency can tell you they do not have such a document.)

If you don't know what the records you want are called, try to speak to someone who works directly with the records. They will often be helpful. Alternatively, you could do some online research or talk to an expert or an experienced environmental activist to find out what the document you want is called. You can also just describe the information you are looking for, such as analysis of water samples from Smith Creek in 2018 or air data submitted by Lehigh Cement in 2016 – 2019.

e. If you receive a denial, consider if the agency gave you a good reason. Sometimes they will tell you that they are the wrong agency to ask, or your description of what you want is unclear. If they do, you have some guidance for the next step.

But if you receive a denial that isn't helpful or you have a question about what is covered by the state's FOI Law, you can email the Committee on Open Government, which is part of the NYS Dept of State. Contact them at [dosCOOG@dos.ny.gov](mailto:dosCOOG@dos.ny.gov) They will respond quickly, usually within 24 hours.

f. Delays can be a big problem with FOIL in NY state. I am a journalist. Several years ago, I was doing an article about surplus military equipment (like tanks) being gifted to state and municipal police departments. I asked a state agency for the value and types of such military equipment being given away to police depts. in NYS. I also asked the states of Vermont and Mass. Vermont answered quickly. Mass. denied my request. NYS responded right away but told me it was going to take some time to find all the records. Every month or so, they would send me a new email saying they were still looking for the records. I finally emailed to tell them I didn't need it any more as my story had already been published. But most requests are answered much faster.

g. Another problem that sometimes occurs is receiving redacted records. The agency takes a magic marker and obscures words and numbers under the guise of trade secrets, etc.

Some of this redaction may be legal but sometimes agencies go overboard. It never hurts to email the Committee on Open Government to find out if how a government entity is handling your information request is legal.

**If you are not able to access the information you wish to request, do not hesitate to contact someone from the Clean Air Action Network of Glens Falls for guidance or assistance.**

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