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Int. No. 328

By Council Members Kallos, Vacca, Cabrera, Constantinides, Crowley, Gentile, Koo, Lancman, Mendez, Dromm, Menchaca, Rosenthal, Johnson, Lander, Williams, Chin, Levin, Rose, Levine, Rodriguez, Reynoso, Palma, Cohen, Koslowitz, Cumbo, Eugene, Maisel, Barron, Deutsch, Richards, Cornegy, Espinal, King and Ulrich (at the request of the Manhattan Borough President)

A Local Law to amend the New York city charter, in relation to the creation of a centralized FOIL website.

Be it enacted by the Council as follows:

Section 1. Section 15 of the New York city charter is amended by adding a new subdivision h to read as follows:

h. The office of operations shall develop reporting and performance guidelines in connection with the statistical information required to be available pursuant to paragraph 10 of subdivision c of section 1076 of the

charter at the portal developed and maintained pursuant to subdivision b of such section and in the mayor's management report, and may establish requirements for additional freedom of information law-related statistics to be reported on such portal and in such report if it determines that such additional reporting would be useful to the public.

§2. Chapter 48 of the New York city charter is amended by adding a new section 1076 to read as follows:

§1076 Online, centralized freedom of information system. a. For the purposes of this section, the following terms shall have the following meanings:

(1) "agency" means any governmental entity of the city of New York subject to the requirements of article six of the public officers law;

(2) "department" means the department of information technology and telecommunications, or any successor agency;

(3) "office" means the mayor's office of operations, or any successor office;

(4) "record" means any information kept, held, filed, produced or reproduced by, with or for an agency or the city council, in any physical or digital form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, physical files, computer files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes; and

(5) "request" means a freedom of information law request for records made pursuant to article six of the public officers law and received by an agency.

b. The department, in consultation with the office, shall develop and maintain a software system to process all requests for agency records. Such system shall make available to the public, at no charge and without any registration requirement, a portal on the city's website, to be developed and maintained by the department, that provides information documenting each step of the freedom of information law process for

each request received, including, but not limited to, the following information, which shall be in a machine readable and externally searchable format:

(1) a unique identification number for each request;

(2) the content of each request;

(3) the date each request was received by the applicable agency;

(4) the date and content of such agency's acknowledgement of receipt of the request;

(5) the date and content of any determination made in response to the request; and

(6) a downloadable copy of the records released for the request, in a machine readable format if one exists for the type of records released.

c. The software system developed and maintained pursuant to subdivision b of this section shall allow:

(1) agencies to receive and respond to requests for records from within such system;

(2) for the uploading by agencies of digital files in multiple formats, including open and machine-readable formats, of requested records;

(3) for the redaction of uploaded documents by agencies without the need to download or re-upload documents;

(4) agencies and the public to track the progress of each request;

(5) members of the public to file requests on the portal developed and maintained pursuant to this section;

(6) for the full text search of the content of all requests on the portal developed and maintained pursuant to this section;

(7) for the full text search of all machine-readable records made available in response to a request on the portal developed and maintained pursuant to this section;

(8) for access to electronic copies of all records, regardless of form or format, sent in response to a request on the portal developed and maintained pursuant to this section. Such copies shall also be published to

the open data web portal developed and maintained pursuant to chapter five of title 23 of the administrative code, and such copies that are data, as defined in section 23-501 of the administrative code, shall include the complete data set from which such records were produced on such open data web portal;

(9) for programmatic access to the data within the site through an Application Programming Interface;

(10) members of the public to request and receive automated notifications of any determination or other action involving information required to be reported on the portal relating to any request on such portal;

(11) members of the public to access a directory, which shall be prominently displayed on the portal, that includes the name, title, and contact information for each records access officer at each agency; and

(12) the public to access statistics on requests by agency on the portal developed and maintained pursuant to this section, including the aggregate monthly, yearly, and year-to-date (i) number of requests received, (ii) number of requests for which some or all of such request is outstanding, (iii) number of requests for which some or all of the request has been outstanding for more than thirty business days, (iv) number of requests for which the agency supplied all requested information, (iv) number of determinations made to deny access to requested records, and (v) average resolution time for requests. These statistics shall also be included in the mayor's management report for each agency for the applicable fiscal year.

d. The information required to be posted on the portal developed and maintained pursuant to subdivision b of this section shall be posted with respect to each request as soon as practicable, but in no case more than ten business days after the occurrence of any of the following: the receipt of a request, any determination regarding the release of records, and any other action involving information required to be reported on such portal relating to a request. The machine-readable information required by subdivision c of this section shall be considered a public data set for the purposes of chapter five of title 23 of the administrative code.

e. The home page and, to the extent one exists, the "contact us" or "freedom of information request" page of the website of every agency shall include a link to the portal developed and maintained pursuant to subdivision b of this section.

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f. Every agency shall use the portal developed and maintained pursuant to subdivision b of this section to receive and respond to requests unless otherwise requested by an individual or entity making a request. Upon receipt of any request by means other than the portal, the receiving agency shall enter the request into such portal, and shall track the progress of such request as required by subdivision c of this section.

§3. This local law shall take effect one year after its enactment, provided, however, that the department of information technology and telecommunications, and the office of operations, shall take such actions prior to such time as are necessary for timely implementation of this local law, and further provided that within ninety days of the enactment of this local law, the office shall submit an implementation plan and implementation manual to the council describing to the council and agencies the steps necessary to implement this law, and providing guidance to agencies on the standards for the tracking of, and filing of, requests and responses to such requests, pursuant to the requirements of this local law, including the creation of a citywide identifier for each such request.

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