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Int. No. 1235-A

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A Local Law to amend the New York city charter, in relation to the creation of a centralized system for processing freedom of information law requests

Be it enacted by the Council as follows:

Section 1. Chapter 72 of the New York city charter is amended by adding a new section 3012 to read as follows:

§ 3012 Centralized freedom of information law request system. a. For purposes of this section, the following terms have the following meanings:

Agency. The term "agency" means a governmental entity of the city of New York subject to the requirements of article 6 of the public officers law.

Request. The term "request" means a request for records made pursuant to article 6 of the public officers law.

b. No later than 18 months after the effective date of the local law that added this section, the commissioner, in consultation with the department of information technology and telecommunications or any successor agencies, shall develop and maintain a portal to process requests, whether such requests are received through such portal or sent directly to an agency by any other method. Access to such portal shall be maintained on the department's website, and such portal shall provide information documenting each step of the freedom

of information law process for each request received, including the following information, which shall be in a machine-readable and externally-searchable format:

1. A unique identification number;

2. A title related to the content of such request;

3. The date such request was received by the applicable agency;

4. The date of such agency's acknowledgment of receipt of such request;

5. The expected date of such agency's response, as provided in such acknowledgment;

6. The number of extensions of time to respond indicated by the applicable agency to date;

7. The date of any determination made in response to such request;

8. Whether such request was granted in whole, granted in part and denied in part, or denied in whole;

9. If such request was denied in whole or in part, which specific exemption under subdivision 2 of section 87 of the public officers law or any other grounds cited as a basis for such denial;

10. If such request was denied in whole or in part, whether the agency determined there were no responsive records, if known;

11. The date of filing for any appeal of the final response;

12. The status of any appeal;

13. If the original denial was upheld in whole or in part on appeal, which specific exemptions under subdivision 2 of section 87 of the public officers law or any other grounds cited as a basis for such determination;

14. The total dollar amount of fees collected from the person who submitted such request;

15. The number of records that were produced, if any; and

16. A downloadable copy of records released in response to such request in a machine-readable format if one exists, except to the extent prohibited by New York city, New York state, or federal law, or to the extent that publication of such records would constitute an unwarranted invasion of personal privacy, as described in

subparagraphs i through viii of paragraph (b) of subdivision 2 of section 89 of the public officers law, or would be inconsistent with section 23-1202 of the administrative code.

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

1. Agencies to receive and respond to requests from within the portal;

2. Agencies to upload digital files containing records responsive to a request in multiple formats;

3. Agencies and members of the public to track the progress of a request;

4. Members of the public to file requests on such portal;

5. The full text search of the content of all requests on such portal, to the extent practicable, and the ability to filter search results by agency and by the information described in paragraphs 3, 4, 5, 7, 8, 9, 11, 12, 13, 14, and 15 of subdivision b of this section;

6. The full text search of machine-readable records made available in response to a request on such portal and to which access is provided in accordance with paragraph 7 of this subdivision;

7. Access to electronic copies of records, regardless of form or format, sent in response to a request on such portal, provided that such access is consistent with New York city, New York state, and federal law and does not result in an unwarranted invasion of personal privacy, as described in subparagraphs i through viii of paragraph (b) of subdivision 2 of section 89 of the public officers law, and provided further that such access shall be in accordance with section 23-1202 of the administrative code;

8. A person to elect to receive automated notifications of a determination or other action involving information required to be reported on such portal;

9. Access to a directory, which shall be prominently displayed on such portal, that includes the name, title, and contact information for each records access officer and records access appeals officer at each agency; and

10. Access to statistics on requests made through such portal, disaggregated by agency, including the status of each request and the aggregate number of monthly, yearly, and year-to-date requests received.

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d. The information required to be posted on the portal pursuant to paragraphs 1 through 10 of subdivision b of this section shall be posted with respect to each request as soon as practicable, but in no case more than 14 days after the occurrence of any determination regarding the release of records and any other action involving information required to be reported on such portal relating to a request. Records published pursuant to paragraph 16 of subdivision b of this section shall be posted 14 days after being made available to the requestor, except to the extent prohibited by New York city, New York state, or federal law, or to the extent that the release of such records would constitute an unwarranted invasion of personal privacy, as described in subparagraphs i through viii of paragraph (b) of subdivision 2 of section 89 of the public officers law, or would be inconsistent with section 23-1202 of the administrative code.

e. The website of every agency shall include a link to the portal developed and maintained pursuant to subdivision b of this section.

f. The information provided on the portal developed and maintained pursuant to subdivision b of this section shall also be made available to the public on a city website through a web application program interface, provided that for information required pursuant to paragraph 16 of subdivision b, the department may instead provide a link to such information through such web application program interface.

g. Upon receipt of a request by means other than the portal developed and maintained pursuant to subdivision b of this section, 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.

h. The department, in consultation with the mayor's office of operations and as part of the mayor's management report as required by section 12, shall develop performance indicators in connection with the statistical information required to be made available pursuant to paragraph 10 of subdivision c of this section.

i. Within 180 days of the enactment of this local law, the department shall submit an implementation plan to the mayor and the speaker of the council. The plan shall describe the steps necessary to implement the requirements of this local law, and the standards for the tracking and filing of requests and responses to such

requests.

j. This section shall not be construed to create a private right of action to enforce the provisions set forth in this section. Failure to comply with this section shall not result in liability to the city or an agency or employee thereof.

§ 2. In the course of developing performance indicators in connection with the statistical information required to be made available pursuant to paragraph 10 of subdivision c of section 3012 of the New York city charter, as required by subdivision h of section 3012 of the New York city charter, the department of records and information services shall hold a public hearing at which members of the public may provide comments and feedback on such performance indicators. Such department shall finalize such performance indicators after considering public comments and feedback.

§ 3. This local law takes effect immediately.

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