

FOIA.

- The Freedom of Information Act provides access to federal and state agency records.
- You can submit a FOIA request to any department.
- The tri-state area has its own FOIA laws, such as New York FOIL, New Jersey, OPRA and Connecticut FOIA.
- Each state's law comes with conditions, filings, and timelines. State agencies subject to FOIA include state police departments, county sheriff's offices, town clerks, and town police departments, to name a few.
- Federally, FOIA requests are filed with each agency, such as the Department of Labor or National Archives and Records Administration.
- For states, the most common FOIA requests are made through Muckrock, a non-profit, collaborative website providing original government material. All Muckrock submissions and correspondences are public.
- Each state has its own FOIA timeline. If an agency denies a requested document, appeals must be made based on each state's statutory deadlines.



CARDOZO LAW INSTITUTE
in Holocaust and Human Rights

Helpful Links:



Freedom of Information Act

FOIA



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New York

New York Freedom of Information Law (FOIL)

- Agencies have 5 business days to respond to written requests and give approximate dates for granting or denying access to a record. Failure to respond constitutes a denial.
- Agencies have 20 days to grant access to the record but can extend the deadline with a written reason and specific date "reasonable" under the circumstances.
- Agencies may deny access to records on certain grounds that are listed in the statute.
- Requesters may appeal a record denial under FOIL with 30 days to bring an appeal.
- Once an agency receives the appeal, it has 10 days to respond, either granting access to the record or explaining reasons for further denial.
- Requesters have 4 months to bring an Article 78 proceeding to a New York State Supreme Court if they are not satisfied with the record denial. The agency must demonstrate that the requested material falls within a FOIL exemption with a specific justification under the law.
- Article 78 proceedings can be filed without a lawyer, but it is beneficial to have counsel to ensure the Petition and Notice of Petition are submitted correctly.

Connecticut

Connecticut Freedom of Information Act (CT FOIA)

- An agency has 4 business days to respond to requests.
- If the agency fails to acknowledge the written request, denial shall be made, in writing, within 10 business days of such request.
- The UAPA requires an appeal to be served upon the FOIC and all parties of record within 45 days of the decision.
- Appeal of Superior Court decisions to Connecticut Appellate Court and Connecticut Supreme Court.
- The appeal must be brought in the judicial district of Hartford-New Britain or in the judicial district where the aggrieved party resides.
- A letter may be mailed, faxed or emailed to the Freedom of Information Commission, 18-20 Trinity Street, Hartford, CT 06106 (email: foi@ct.gov; fax: 1-860-566-6474). The Commission must hear and decide the appeal within 1 year after the filing of the appeal.

New Jersey

Open Public Records Act (OPRA)

- An agency must respond to requests within 7 business days.
- Failing to respond within 7 business days constitutes an agency denial. Once denied, the requester can either file a complaint in Superior Court within 45 days of denial or file a complaint with the Government Records Council (email Government.Records@dca.nj.gov) within 60 calendar days after the requester has received a written denial.
- To file a complaint in Superior Court, a written complaint and order to show cause must be filed with the court (the court requires a \$300 filing fee).
- A requester can pursue one of these options but not both.