



NEW YORK STATE SENATOR  
Patrick M. Gallivan

## Bill to Strengthen Freedom of Information Law is Signed

JIM RANNEY December 15, 2017

| ISSUE: **FREEDOM OF INFORMATION, GOVERNMENT TRANSPARENCY**



Senator Patrick M. Gallivan (R-C-I, Elma) announces a new law will make it easier for citizens and organizations suing to obtain information from state and local governments under New York's Freedom of Information Law (FOIL) to recover legal fees. Senator Gallivan and Assemblymember Amy Paulin sponsored the bill (S.2392A/A2750A) in the Legislature and Governor Cuomo signed it earlier this week.

"This legislation strengthens the Freedom of Information Law and will lead to more openness and greater transparency by encouraging compliance by government agencies," Gallivan said. "People and organizations seeking public information should not face exorbitant legal fees when they are wrongly denied access to public records."

The new law requires that judges award attorney fees to people or parties forced to sue when a state agency or a local government wrongly denies access to public documents. Judicial proceedings to challenge an agency's denial of disclosure can be costly in both time and money. Often, people simply cannot afford to take a government agency to trial in order to exercise their right to access public information.

The law permits a court to award attorney fees when a person denied access has "substantially prevailed" and when the agency failed to respond within the statutory time limit or when the court finds the agency had no reasonable basis for denying access.

"This new law is a real advance for state and local government transparency in New York," said John Kaehny, Executive Director of watchdog group Reinvent Albany, which led a two-year campaign for the bill. "This shows us that Albany can move forward and can make government more accountable to the public."

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#### RELATED LEGISLATION

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### **2017-S2392A**

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- Introduced
  
- - In Committee Assembly
  - In Committee Senate
  
- - On Floor Calendar Assembly
  - On Floor Calendar Senate

- - Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Relates to freedom of information requests and attorney's fees

January 13, 2017

Senate Floor Calendar

Sponsored by **Patrick M. Gallivan**

Do you support this bill?