



## Department of Health

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Governor

HOWARD A. ZUCKER, M.D., J.D.  
Commissioner

LISA J. PINO, M.A., J.D.  
Executive Deputy Commissioner

August 23, 2021

Tim Hoefler  
Empire Center for Public Policy  
30 South Pearl Street  
Suite 1210  
Albany, NY 12207

FOIL #: 21-06-464

Dear Tim Hoefler:

This letter responds to your Freedom of Information Law (FOIL) request of June 22, 2021, in which you requested “the number of COVID-19 fatalities, confirmed and presumed, for each date and each ZIP code of residence from March 1, 2020 forward.”

Your request is denied, as the records you are seeking are not “retrievable with reasonable effort.” Data Tree v. Romaine, 9 N.Y. 3d 454, 465-65 (2007). Production here would therefore constitute the creation of a new record, which is not required under Public Officers Law §89(3)(a).

Please be advised, a dataset containing New York State Statewide COVID-19 Fatalities by County, which shows COVID-19 fatalities by date and by each county of residence, is publicly available on the Health Data NY website at the following link:

<https://health.data.ny.gov/Health/New-York-State-Statewide-COVID-19-Fatalities-by-Co/xymy-pny5>

Please note, COVID-19 fatalities are considered confirmed positive.

Please be further advised, the New York State Department of Health does not maintain data pertaining to New York City. Records of the type you have requested regarding the New York City data is maintained by the New York City Department of Health and Mental Hygiene. The contact information for this office is as follows:

Records Access Officer  
New York City Department of Health and Mental Hygiene  
Gotham Center  
42-09 28th Street, Floor 14th, CN31  
Long Island City, NY 11101  
Fax: (347) 396-6087  
E-mail: recordsaccess@health.nyc.gov

Should you feel that you have been unlawfully denied access to records, you may appeal such denial in writing within 30 days to the Records Access Appeals Officer, Division of Legal Affairs, Empire State Plaza, 2438 Corning Tower, Albany, New York 12237-0026.

If you require additional information or wish to discuss this matter further, please do not hesitate to contact me at (518) 474-8734.

Sincerely,

*Rosemarie Hewig*

Rosemarie Hewig, Esq.  
Records Access Officer

RH/bae