



September 23, 2022

**Via NYS OAG FOIL Request Center**

New York State Office of the Attorney General  
The Capitol  
Albany, NY 12224

Attn: Abisola Fatade

**Re: Empire Center for Public Policy FOIL Requests:  
G000486-090922, G000487-090922, G000488-090922, and  
G000489-090922**

Dear Ms. Fatade:

I am writing for the Empire Center for Public Policy about the Freedom of Information Law (FOIL) requests identified above that it made on September 9, 2022.

Last week you wrote to acknowledge the requests using the same four form letters. In those letters you advised that your agency (OAG) was pursuing a diligent search for the records. Please confirm that OAG does not intend to assert at some later date that the records Empire Center requested are not reasonably described.

You then wrote that OAG would notify Empire Center of the status of its requests on or before October 17, 2022. Please confirm that October 17, 2022 (or earlier) is the date OAG will be responding to the requests and providing the records to Empire Center.

As you must know, under FOIL § 89(3)(a) an agency that receives a written request for a record reasonably described must respond in writing within five days. The response can include making the requested record available, denying the record request, or

Abisola Fatade  
September 23, 2022  
Page 2

acknowledging the request and stating an approximate date when the record will be made available.

I assume that October 17th is the date—which under FOIL must be reasonable under the circumstances and not exceed 20 business days from acknowledging Empire Center’s requests—OAG will respond to Empire Center’s requests.

As you must also know, if records cannot be disclosed within 20 days of acknowledging a request, FOIL § 89(3)(a) requires an agency to explain in writing its inability to provide the records. It must also set a date certain for disclosure that is reasonable under the circumstances.

Please confirm that OAG is not claiming any inability to respond to the requests and that it will provide records in its possession by October 17, 2022, as FOIL requires.

Please also explain why OAG cannot provide records relating to FOIL request G000487-090922. In that request Empire Center seeks records reflecting FOIL requests received by your agency for records collected under 13 NYCRR 91.5 over a discrete—15-month—period. As the records access officer you should have ready access to those records.

I look forward to your prompt response.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Cameron Macdonald', with a stylized flourish at the end.

Cameron Macdonald