



New York State Unified Court System

Office of Court Administration • Counsel's Office

Hon. Joseph A. Zayas
Chief Administrative Judge

Hon. Norman St. George
First Deputy Chief Administrative Judge

David Nocenti
Counsel

December 9, 2024

Frank Runyeon
Senior Reporter, NY Courts
LAW360.com

Dear Frank Runyeon,

This is in response to your Freedom of Information Law (“FOIL”) appeal, November 26, 2024, received via e-mail, concerning your September 3, 2024 FOIL request, described herein.

1. Background

On September 3, 2024, you submitted a FOIL request seeking “all financial disclosure data held by the New York state court system’s Ethics Commission in a digital database since 2013.”

On November 26, 2024, the Records Access Officer (“RAO”) for the Office of Court Administration (“OCA”) responded to your FOIL request informing you that OCA does not have any responsive records.

By email, dated November 26, 2024, you appealed the matter, arguing that OCA is in violation of FOIL as described in the Committee on Open Government’s (“COOG”) Advisory Opinion, dated August 27, 2024, because “OCA in an agency governed by FOIL.”

2. Determination on Appeal

In my review of the matter, I deny your appeal. The right to appeal a determination of a FOIL request is limited to challenging an agency’s denial of a request or its withholding of documents (or redacting parts thereof) deemed exempt from disclosure pursuant to statute. *See* POL § 89(4)(a).

As stated above, the RAO did not deny your FOIL request, but rather informed you that OCA has no responsive records, which is accurate. The Ethics Commission is separate from OCA and is part of the broader judicial branch of New York, *i.e.* the Unified Court System (“UCS”). Accordingly, OCA has no responsive records and the records of the Ethics Commission are records of the judiciary which are not subject to disclosure pursuant to POL § 86(1).

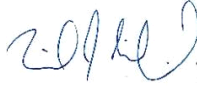
With respect to COOG, its August 27, 2024 Advisory Opinion is based on a misunderstanding of the structure of UCS, OCA, and the Ethics Commission and is not binding

herein. Although OCA is “an agency governed by FOIL,” the broader UCS is not, and parts of the judiciary other than OCA are not agencies governed by FOIL.

Your appeal is denied in accordance with the reasoning herein. As you are aware, you may seek the requested records pursuant to the Ethics Commission’s procedures for making such requests.

Very truly yours,

12/9/2024

X 

Michael Siudzinski
FOIL Appeals Officer
Signed by: Michael J. Siudzinski

cc: Committee on Open Government