



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

May 23, 2023

Re: FOIL-2022-002-00236; FOIL-2022-002-00322; FOIL-2022-002-00354; FOIL-2022-002-00358; FOIL-2022-002-00394; FOIL-2022-002-00393; FOIL-2022-002-00475 Appeal Decision

Dear Jessica Benvenisty:

This letter is in response to the appeal received by the Mayor's Office on May 10, 2023, appealing the response to the following requests, under the Freedom of Information Law, Public Officers Law § 84 *et seq.* ("FOIL"):

FOIL-2022-002-00236: On March 24, 2022, your client submitted a FOIL request for "all memos that include the keyword 'Soteria' published in any form public or internal between March 1, 2022 and April 1, 2022." On March 24, 2022, the Records Access Officer ("RAO") acknowledged this request and subsequently extended the response date to July 12, 2023 due to the volume of requests received.

FOIL-2022-002-00322: On April 14, 2022, your client submitted a FOIL request for a roster of employees whose work involves FOIL requests for multiple offices within the Mayor's Office. On April 15, 2022, the RAO acknowledged this request and subsequently extended the response date to June 5, 2023 due to the volume of requests received.

FOIL-2022-002-00354: On April 25, 2022, your client submitted a FOIL request for all internal and/or interagency memos detailing the FOIL policies and practices at the Mayor's Office from December 31, 2021 to the present. On April 25, 2022, the RAO acknowledged this request and subsequently extended the response date to June 15, 2023 due to the volume of requests received.

FOIL-2022-002-00358: On April 26, 2022, your client submitted a FOIL request for all emails sent and received between January 7, 2022 and April 26, 2022 between the Deputy Mayor for Public Safety Philip Banks and representatives from the following companies: Evolv Technology (aka Evolv), Patriot One Technology (aka Patriot One, aka PatriotOne, aka Patriot1), and Thruvision Group (aka Thruvision). On April 28, 2022, the RAO acknowledged this request and subsequently extended the response date to May 18, 2023 due to the volume of requests received.

FOIL-2022-002-00394: On May 1, 2022, your client submitted a FOIL request for all emails sent and received between January 7, 2022 and May 1, 2022, between the Deputy Mayor for Public Safety Philip Banks and representatives from the following companies: Blue White

Robotics (aka BW Robotics, aka BWR) and Easy Aerial (aka EasyAerial). On May 9, 2022, the RAO acknowledged this request and subsequently extended the response date to May 23, 2023 due to the volume of requests received.

FOIL-2022-002-00393: On May 1, 2022, your client submitted a FOIL request for all emails sent and received between the Deputy Mayor for Public Safety Philip Banks and representatives from the company Clearview AI between January 7, 2022 through April 30, 2022. On May 9, 2022, the RAO acknowledged this request and subsequently extended the response date to June 7, 2023 due to the volume of requests received.

FOIL-2022-002-00475: On June 6, 2022, your client submitted a FOIL request for all emails sent and received from January 7, 2022 and June 6, 2022 between the Deputy Mayor for Public Safety Philip Banks and representatives from the company known as Axon, aka Axon Network, aka Axon AI. On June 8, 2022, the RAO acknowledged this request and subsequently extended the deadline to respond to May 16, 2023 due to the volume of requests received.

* * *

On May 10, 2023, you appealed on the basis that the RAO's actions to date constitute a constructive denial.¹

The Office of the Mayor takes seriously the importance of disclosing information to the public consistent with the law. Multiple postponements are certainly to be avoided whenever possible; at times, however, they are necessary particularly when dealing with requests that require the careful review of a large number of documents. Many of the FOIL requests received by the Office of the Mayor require the review of thousands of documents in order to properly respond as required by the Freedom of Information Law. Reviewing records to determine if they are responsive and if they may be disclosed pursuant to the Public Officers Law § 87 is a time and labor-intensive process and every effort is made to respond to each request in as timely a manner as is possible.

FOIL-2022-002-00322 does not describe a record maintained by the Mayor's Office, and therefore, your appeal as to that request is denied.

All other requests subject to this appeal entail the review of hundreds of documents to determine if they are responsive and if they are exempt from disclosure or may be disclosed in their entirety or in part. Given the large number of documents that are being reviewed, I find that the responses of the RAO to date have been appropriate. I am however granting your appeal to the limited extent of directing the RAO to provide any disclosure that may be required by law within 15 business days.

You may seek judicial review of this determination pursuant to CPLR Article 78.

¹ Prior appeal letters referenced in your May 10, 2023 letter do not appear to have been sent by your client to the Records Access Officer or the Records Appeals Officer for the Mayor's Office. Future appeals or correspondence regarding this appeal should be sent to FOILAppeal@cityhall.nyc.gov.

Sincerely,

Alicia Berenyi
Alicia Berenyi
Records Appeals Officer