FOIL Template: Acknowledgement of FOIL Request: Exempt Records

[DATE (should be within 5 business days of receipt of FOIL request (section 89(3)(a)))]

Ms./Mr. Jane/John Doe
123 East 456 Street
New York, NY 12345

Re: Acknowledgement of FOIL Request
Re: [Subject matter of FOIL Request]

Dear _________:

The Office of the Special Counsel is in receipt of your FOIL request [method of receipt ex. (via email)], dated [date], requesting [subject matter of FOIL request]. Pursuant to Freedom of Information Law section 87(2), we are denying access to [the records requested/ portions thereof] because they are exempt from the provisions of the Freedom of Information Law. [Note: Specify the exemption]

Please note that you have the right to appeal this denial to the General Counsel and Vice Chancellor for Legal Affairs via the [attached/enclosed] form.

Thank you,

[Signature]

List of exempt documents, section 87(2):

(a) are specifically exempted from disclosure by state or federal statute;
(b) if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eighty-nine of this article;
(c) if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
(d) are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise;
(e) are compiled for law enforcement purposes and which, if disclosed, would:

Updated as of March 2, 2015
i. interfere with law enforcement investigations or judicial proceedings;
ii. deprive a person of a right to a fair trial or impartial adjudication;
iii. identify a confidential source or disclose confidential information relating to a criminal investigation; or
iv. reveal criminal investigative techniques or procedures, except routine techniques and procedures;

(f) if disclosed could endanger the life or safety of any person;
(g) are inter-agency or intra-agency materials which are not:

i. statistical or factual tabulations or data;
ii. instructions to staff that affect the public;
iii. final agency policy or determinations; or
iv. external audits, including but not limited to audits performed by the comptroller and the federal government; or

(h) are examination questions or answers which are requested prior to the final administration of such questions;
(i) if disclosed, would jeopardize the capacity of an agency or an entity that has shared information with an agency to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures; or

* (j) are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-a of the vehicle and traffic law.
  * NB Repealed December 1, 2014
* (k) are photographs, microphotographs, videotape or other recorded images prepared under authority of section eleven hundred eleven-b of the vehicle and traffic law.
  * NB Repealed December 1, 2014
* (l) are photographs, microphotographs, videotape or other recorded images produced by a bus lane photo device prepared under authority of section eleven hundred eleven-c of the vehicle and traffic law.
  * NB Repealed September 20, 2015

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