



January 25, 2022

Via Email: 118129-94489413@requests.muckrock.com

Jake Offenhartz

RE: FOIL Request #3663

Dear Jake Offenhartz:

This letter responds to your correspondence dated March 9, 2021, which pursuant to FOIL, requested:

All correspondence between members of the Executive Chamber containing the word "Captain" and/or "dog" created from February 1st, 2013 until the date this request is processed.

The employees of the Governor's Office that this request covers include:

Melissa DeRosa
Richard Azzopardi
Beth Garvey
Peter Ajemian
Judith Mogul
Andrew Cuomo

Your request is denied pursuant to Public Officers Law § 89(3) which requires a request for records to be "reasonably described." In order for a request to be reasonably described the request should, to the extent practicable, include parameters, such as: the names or roles of custodians to be searched; specific subject matter and/or search terms; and a reasonable and specific time period.

Please note that whether a request is reasonably described may be dependent upon the nature of an agency's filing or record keeping system and agency employees are not required to engage in herculean or unreasonable efforts to locate records. See *Konigsberg v. Coughlin*, 68 N.Y.2d 245 (N.Y. 1986) and the NYS Committee on Open Government's FOIL Advisory Opinions 18949 and 18863. The Committee on Open Government has explained that "a request for 'all' records, without limitation, that include a certain name, for example, might not be found to reasonably describe the records." (COOG AO-18949 (Aug. 20, 2012)).

The Executive Chamber employs nearly 200 individuals and does not maintain records in a manner that allows all records sent and received by all employees on a given day to be readily accessed, segregated, and reviewed. The broad scope of your request does not sufficiently

identify the types of records sought to enable the Executive Chamber to conduct a search and locate responsive records.

This denial is without prejudice to submit a new request that reasonably describes the records sought.

Pursuant to Public Officers Law § 89(4)(a), you have thirty (30) days to take a written appeal of this determination. You may appeal by writing: FOIL Appeals Officer, Executive Chamber, State Capitol, Albany, New York, 12224.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Clemmer", written in a cursive style.

Jaclyn Clemmer
FOIL Counsel
Records Access Officer