

October 29, 2020

Dear Mr. Cobb,

On behalf of the 501(c)3 non-profit organization Reclaim The Records, I would like to request a copy of the following files from the New York City Municipal Archives and its parent agency the New York City Department of Records and Information Services (DORIS), under the New York State Freedom of Information Law (FOIL):

**1) Every single digital image you have, and any text metadata that goes with them.**

As the Archives is undoubtedly aware, New York law states that “...FOIL does not differentiate between records stored in paper form or those stored in electronic format...if the records are maintained electronically by an agency and are retrievable with reasonable effort, that agency is required to disclose the information.” *Matter of Data Tree, LLC v Romaine*, 9 N.Y.3d 454, 464 (2007).

Therefore, we are requesting a copy of every already-digitized image file of a historical document that DORIS has in its possession. This includes, but is not limited to, all the digital images that are available online already, on the Archives' official "Digital Collections" website at <http://nycma.lunaimaging.com/> which is run in conjunction with the company Luna Imaging, or on any other website maintained or controlled by the Archives or by DORIS.

For example, these records include, but are not limited to, all the digitized images of all the collections the Archives has already placed online in recent years, such as the “*Almshouse Collection, 1758-1952*”, “*New York County Jury Census, 1816-1821*”, “*Bodies in Transit Registers, 1859-1894*”, “*Liquor licenses, Manhattan and Brooklyn, 1895-1986*” [*sic* – should be 1895-1896], the 1940's era New York City “*Tax Photos*” collection, the various “*Books and Manuscripts*” files (including the book of Colonial era deeds for Queens county, previously thought to be lost), the “*WPA Federal Writers' Project, NYC Unit Photograph Collection, 1935-1943*” and so on.

This request also includes all the digital images of historical records that the Archives or DORIS possesses which are already digitized but which are *not* yet available online, including those that are stored on internal or external or Internet-connected hard drives, or files that would be accessible to patrons on internal networks onsite at the Archives building at 31 Chambers Street in Manhattan, if there were not currently a pandemic closing public access to that reading room.

For example, these records include, but are not limited to, *all* of the historical New York City birth certificates, marriage certificates, death certificates, and marriage licenses that have been recently scanned in full color and in high definition. We are aware that there may be some data gaps in this new collection and that, in particular, not all of the records for all of the years for the New York City Clerk's Office marriage license series have been scanned yet, but we will take what you have so far.

These records also include any historical materials that the Archives or DORIS may have digitized internally or through a partner or vendor, where those images have not yet been published online and/or are not available to the public onsite, but do exist on Archives or DORIS hard drives or online storage.

We are requesting copies of all these digital images in their original formats and in their original sizes, in their full resolution, not edited, not resized, not compressed, and not watermarked – just as they appear to the public right now on DORIS' website(s) or internal network(s) or internal hard drive(s) or online hard drive(s). We would prefer that the images be delivered to us in TIF or TIFF format, if possible, or in JPEG or JPG format if not. We also would like the files delivered to us in their existing folder structure, clearly separating out each collection or sub-collection into unique folders with recognizable folder names and file names.

We also request copies of all the metadata that goes along with these digitized images. For example, the Archives has a database of the transcribed names and dates and places and file numbers from its newly scanned vital records collection. This makes it possible for Archives patrons sitting in the Archives building at 31 Chambers Street to do a name or date or Borough search for a historical birth, marriage, or death record, and then see each resulting digital image, or place an order for the certified paper copy of the record, if they prefer. This database is made available on Archives computers through an internal DORIS network and is also available through DORIS' public WiFi, and it is freely accessible to the public to use while they are onsite, were that location not currently closed due to the pandemic.

As another example, nearly all of the photos and images that are already online on DORIS' Luna Imaging website have text metadata included, listing information about the subjects, the locations, the years, the original formats and sizes (etc.) of each set of digital photos or scanned materials. Some of those individual photographs also have unique text captions. We request all of that metadata, too.

We would prefer that all these metadata sets or databases be sent to us in their original digital text formats, such as SQL database export(s), CSV file(s), Microsoft Excel spreadsheet(s), etc. We would prefer to receive the data as SQL exports, if possible. We request this data in their full and unredacted forms, including all column headers and all data dictionaries and data schemas for any databases, if they exist.

For the purposes of this FOIL request, we are *not* requesting copies of any of the Archives' digitized moving picture files or digitized audio files or collections that are primarily made of video or audio files, such as the “*NYPD Surveillance Films*” collection or the “*WNYC: Radio, Film, and TV*” collection.

And for the purposes of this FOIL request, we are also *not* requesting any of the recent “mayoral” collections, which are generally subject files and correspondence from various New York City mayors' administrations, even though many of those are already digitized.

And for the purposes of this FOIL request, we are also *not* requesting any physical microfilms. (We will be making several FOIL requests for many new microfilm-to-microfilm copies, just as we have been doing for the past six years, but those requests will be handled separately from this request.)

Please inform us of the costs of fulfilling this request before doing so. We will expect the digital image files and their metadata and their folder structures to be delivered to us either on physical hard drives, for which we will pay the hardware costs and the insured and trackable domestic shipping costs, or through an online file transfer platform such as Dropbox or Box or Google Drive.

Should this request not be met with prompt production of these records, please consider the

request ongoing in nature. When production is made, please include all relevant documents which have been converted into an electronic format between the date of this request and the actual time of production.

As your agency knows, we are a non-profit organization, and we will be using these documents for non-commercial purposes. We look forward to freely publishing these millions of public records online, without any kind of paywall or restrictions as to their use and reuse. Public records belong to the public, and we want our records back.

We look forward to your reply in the next five business days, as required by law.

very cheerfully yours,

Brooke Schreier Ganz, on behalf of Reclaim The Records  
President and Founder, Reclaim The Records  
<https://www.ReclaimTheRecords.org/>