



KATHY HOCHUL
Governor

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Commissioner

BEATRIX SOUZA, PSY.D.
Executive Director

May 18, 2023

Muckrouck News
Dept MR 145254
263 Huntington Ave
Boston, MA 02115

RE: Freedom of Information Law Request 145254-33263960- Amended Response

Dear Muckrouck News,

On May 9th, 2023 we received a request to provide you information. You Requested “Any and all emails to or from the email address: CovidVaccineRedistribution@Health.ny.gov. OMH is unable to provide the information that you requested because the request is too broad. Please feel free to re-submit your request with specific staff names.

Please be advised that your request is denied pursuant to Public Officers’ Law § 89(3) which requires a request for records to be “reasonably described.” 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 states that “it is unreasonable to require an agency to review thousands of records that may contain a particular search term or terms in response to a Freedom of Information Law request” and “it would be an unreasonable burden, in our view, to require an agency to review perhaps thousands of individual records in order to identify those portions of such records that are required to be made available.” (See, FOIL-AO-18949). Furthermore, FOIL-AO-18863 states “A request for ‘all’ records, without limitation, that include a certain name, for example, might not be found to reasonably describe the records when a search using that name produces thousands of email communications or other records irrespective of the content of those items.” Additionally, your request “transcends a normal or routine request . . . and would bring in its wake an enormous administrative burden that would interfere with the day-to-day operations of an already heavily burdened bureaucracy.” Fisher & Fisher v. Davison, 1988 N.Y. Misc. LEXIS 876, 9-10 (NY Sup. Ct., 1988).

Should you wish to appeal this denial, a request for an appeal must be received within 30 days of your receipt of this letter and should be addressed to: FOIL Appeals Officer, NYS Office of Mental Health, 44 Holland Avenue, Albany, NY 12229.

Thank you,

Jeremy Bolyard, RHIA
Director, Health Information Management

FACILITY OF THE OFFICE OF MENTAL HEALTH