

November 9, 2022

**BY EMAIL ONLY (kimsung75@gmail.com)**

Sung Chun Kim, Esq.

Dear Mr. Kim:

I write in response to your request dated May 9, 2022 (copy attached for reference) pursuant to the New York Freedom of Information Law (Public Officers Law §§ 84-90), as follows:

**REQUEST:** “I would like to make a FOIL request for all correspondence sent to and from Dr. Hoau-Yan Wang with the keywords ‘Cassava,’ ‘Simufilam,’ ‘PTI-125,’ for the period from November 12, 2021 through May 6, 2022.”

**Response:**

A. Your request is hereby granted in part and denied in part. Attached please find a PDF of 680 pages of records that have been located by The City College of New York that are responsive to your request. Please note we have redacted personal email addresses and personal phone numbers pursuant to Public Officers Law §§ 89(2)(a) and 89(2)(c)(i), and that no notation has been marked in the margins of the PDF based on these provisions.

B. Your request is hereby denied, and we have consequently redacted the attached PDF pursuant to:

- i. Public Officers Law § 87(2)(a), to the extent that such material contains student names, student email addresses, and personally identifying information, on the ground that such material is specifically exempted from disclosure by a federal statute – that is, it would constitute disclosure of education records of the subject students in violation of the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g(b). *See* 34 C.F.R. § 99.3 (defining “education records” as those records that are “directly related to a student; and maintained by an educational agency or institution or by a party acting for the agency or institution”), and Public Officers Law § 87(2)(b) on the ground that disclosure of such material would constitute an unwarranted invasion of personal privacy; these redactions are marked in the margins as “FERPA/Privacy,” and/or

- ii. Public Officers Law § 87(2)(a), on the ground that such materials “are specifically exempted from disclosure by state ... statute” – that is, pursuant to Section 4503 of the N.Y. Civil Practice Law and Rules (CPLR), to the extent that such materials contain attorney-client communications; these redactions are marked in the margins of the PDF as “POL 87(2)(a),” and/or
- iii. Public Officers Law §§ 87(2)(b) and 89(2)(b)(iv), on the ground that disclosure of such material would constitute an unwarranted invasion of personal privacy, as it contains unsubstantiated claims regarding Dr. Wang and his research, occurring in one instance on page 264 of the PDF; this redaction is marked in the margin of the PDF as “POL 87(2)(b) & 89(2)(b)(iv).”

C. Your request is denied in full with respect to 380 pages of records pursuant to Public Officers Law §§ 87(2)(b) and 89(2)(b)(iv), on the ground that disclosure of such records would constitute an unwarranted invasion of personal privacy, as they contain unsubstantiated claims regarding Dr. Wang and his research.

In accordance with N.Y. Public Officers Law § 89(4)(a), any appeal from this response to your Freedom of Information Law request must be made in writing within 30 calendar days of the date of this letter to:

Derek Davis, Esq.  
Senior Vice Chancellor for Legal Affairs and General Counsel  
The City University of New York  
205 East 42nd Street  
New York, NY 10017  
[ogc@cuny.edu](mailto:ogc@cuny.edu)

Sincerely,

*/s/ Paul F. Occhiogrosso*

Paul F. Occhiogrosso  
Executive Counsel to the President

Enclosures

PFO/kk