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October 24, 2022

Dear Mr. Marvin Garvey:

I am in receipt of your appeal letter, dated October 6, 2022, received by Public Information Office on October 19, 2022, appealing the determination of the Assembly Public Information Officer issued on April 14, 2022.

A. Request for Records and Appeal

On April 5, 2022, the Public Information Office received your request, pursuant to the Freedom of Information Law ("FOIL"), for various records pertaining to COVID-19 related New York State Public Health Laws. More specifically, you asked to be provided with "any and all" New York State Public Health Laws that "regulates and/or requires and/or mandates" various COVID 19 immunization, testing, and masking.

In response to your request, the Public Information Office informed you that the Public Information Office provides specific records and does not conduct legal research on behalf of FOIL requesters. In essence, your request asked the Public Information Office not to merely provide records but to conduct legal research to determine which New York State Public Health Laws legally required certain COVID-19 requirements.

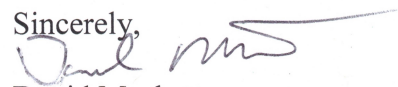
B. Decision

Your appeal is denied as untimely. FOIL requests submitted to the Assembly are reviewed pursuant to both Public Officer's Law § 88 and Assembly Rule VIII – Public Access to Records. Public Officer's Law § 88 is applicable to records which are legislative in nature, i.e. records which relate directly to the legislative process. The Assembly expanded the public's access to Assembly records by implementing Assembly Rule VIII, which provides access to central administrative records maintained by the Assembly. As provide by Public Officer's Law § 89(4)(a), any person denied access to a record may within thirty days appeal, in writing, such denial – this provision is applicable to records governed under Public Officer's Law § 88. As your request was for records legislative in nature, Public Officer's Law § 89(4)(a) applies.

Therefore, this appeal is untimely. The determination being appealed was issued on April 14, 2022, and secondarily issued on April 21, 2022, therefore the time for appeal expired on May 21, 2022 – thirty days after the denial was issued.

In any event, all New York State Laws, including Public Health Laws are publicly available.

Sincerely,

A handwritten signature in black ink, appearing to read "David Mushett", with a long horizontal flourish extending to the right.

David Mushett