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May 15, 2020

FOIL Appeals Officer
Correctional Health Services, New York City Health + Hospitals
125 Worth Street, Room 527
New York, New York 10013

Via email: hhcfoil@nychhc.org

Re: FOIL Request of May 14, 2020 for COVID-19 Related Information

Dear Appeals Officer:

This letter is an appeal under the New York Freedom of Information Law ("FOIL"), Article 6, Sections 84 - 90 of the Public Officers Law. I received a message from Vanita Yogeshwar, Corporate Records Access Officer, via email today acknowledging my request of May 14, 2020 (both documents attached hereto). This acknowledgement fails to comply with Section 89(3) of the Public Officers Law and therefore constitutes a constructive denial of my request under Section 89(4)(a).

Section 89(3)(a) requires the subject entity to "make such record available to the person requesting it, deny such request in writing or furnish a written acknowledgement of the receipt of such request and *a statement of the approximate date, which shall be reasonable under the circumstances of the request, when such request will be granted or denied*" [emphasis added].

The acknowledgement I received today stated: "we will not be able to respond to this request with responsive records for a period of at least 60 days at this time. At the end of this period we will make a determination and notify you of a new estimated date of response." This self-granted extension of 60 days just to provide an approximate date of response, without an actual approximate date when my request "will be granted or denied," does not comply with FOIL's requirements.

As required by Section 89(4)(a), I expect a response within 10 days of the receipt of this appeal, fully explaining the reasons for denial or providing access to the requested records. If you have any questions in processing this appeal, please contact me at the phone number or email address below.

Sincerely,



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