



STATE OF NEW YORK
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April 20, 2022

Ms. Elena Sassower
Center for Judicial Accountability, Inc.
PO Box 8101
White Plains, NY 10602

Re: FOIL Request #2022-0156

Dear Ms. Elena Sassower,

This is in reply to your Freedom of Information Law (FOIL) (Public Officers Law [POL], Article 6) request to the Office of the State Comptroller (OSC) dated March 21, 2022, seeking a copy of the following documents regarding JCOPE retaining the law firm Hogan Lovells: “A copy of the contract and all supplements and amendments to it; All invoices/billings by Hogan Lovells for payments pursuant thereto; Records of all payments to Hogan Lovells based thereon.” Attached is contract CPI01-C2100001-3810200 between the Joint Commission on Public Ethics and Hogan Lovells US LLP, as well as payment information and invoices relating to such contract, per your request.

POL §87(2)(a) provides that an agency may deny access to records or portions thereof that are exempted from disclosure by state or federal statute (POL §87(2)(a)). Civil Practice Law and Rules (CPLR) sets forth two provisions that shield portions of the records you seek from public disclosure. CPLR §3101 and CPLR §4503 contain restrictions on disclosure of information related to attorney work product and attorney client privilege. Therefore, we have redacted records that are subject to these provisions. See generally, *Morgan v NYS Dept. of Environmental Conservation*, 9 AD3d 586, 779 NYS2d 643 (3rd Dept. 2001); *Priest v Hennessy*, 51 NY2d 62, 431 NYS2d 511 (1980); *Madden v. Creative Servs.*, 84 NY2d 738, 622 NYS2d 478 (1995).

In addition, FOIL authorizes an agency to withhold records or portions thereof which, if disclosed, would jeopardize an agency or an entity that has shared information with the agency to guarantee the security of its information technology assets (POL§87(2)(i)). This provision has been interpreted to permit agencies to withhold access codes, including bank account numbers which, if disclosed, would provide the recipient of the code with unauthorized access to information. Therefore, to the extent that the enclosed records contain bank account numbers, such numbers have been redacted.

In the event that you do not agree with our determination, pursuant to POL §87(2)(a) to deny access to portions of the records you requested, please be advised that you have the right, within thirty days of the receipt of this letter, to appeal, in writing, to: Camille Jobin-Davis, Records Appeals Officer, Office of the State Comptroller, 110 State Street, 14th Floor, Albany, New York 12236 or email to FOILAppeal@osc.ny.gov.

Sincerely,

Jane Hall
Records Access Officer