

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Wednesday, January 29, 2025 11:16 AM
To: 'foilappeal@nyassembly.gov'
Cc: 'Fern Whyland'; 'coog@dos.ny.gov'

Subject: **FOIL APPEAL: CJA's Jan 21, 2025 FOIL Request -- "The Salary Plans of SUNY, CUNY, & the Board of Regents Pursuant to Executive Law §169.3"**

Attachments: [Sassower 1.21.25.pdf](#);
[1-21-25-foil-suny-cuny-sed.pdf](#)

TO: Assembly FOIL Appeals Officer/Office of Counsel to the Majority

Pursuant to the Assembly's "[Guide to the Public Inspection and Copying of Legislative Records](#)", I hereby appeal from the [January 28, 2025 letter of Assembly Records Access Officer Fern Whyland](#), denying my [January 21, 2025 FOIL request](#) for "The Salary Plans of SUNY, CUNY, & the Board of Regents Pursuant to Executive Law §169.3" by purporting that the requested records are "not central administrative records" and, therefore, not governed by [Assembly Rule VIII](#).

This is disingenuous. If the requested records are "not central administrative records", what are they? Assembly Record Access Officer Whyland does not say.

In any event, Assembly Rule VIII, pertaining to "central administrative records", expressly states by its §2:

"In addition to any records required to be made available pursuant to the provisions of section eighty-eight of the public officers law and the rules and regulations promulgated thereunder, all other existing records maintained by the Assembly shall be available for public inspection and copying, except that the Assembly may deny access to records or portions thereof that:..." (underlining added).

Assembly Records Access Officer Whyland's letter does NOT state that [Public Officers Law Article VI \(FOIL\)](#), expressly invoked by my request, does NOT entitle me to the records I seek – and I believe it does.

Tellingly, her letter also does not inform me of my right of appeal, as is required by the Assembly's "Guide to the Public Inspection and Copying of Legislative Records".

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200
elena@judgewatch.org

From: Fern Whyland <whylandfm@nyassembly.gov>

Sent: Tuesday, January 28, 2025 4:55 PM

To: elena@judgewatch.org

Subject: FOIL

Good afternoon,

Please see the attached letter and materials regarding your recent FOIL request.

New York State Assembly Public Information Office

Legislative Office Bldg Room 202

Albany, NY 12248

publicinfo@nyassembly.gov

T: (518) 455-4218

F: (518) 455-5175