



March 13, 2026

**Via Email:**

Elana Sassower (elena@judgewatch.org)

RE: FOIL no. R001881-012626

Dear Elana Sassower:

This letter responds to the appeal you requested dated February 28, 2026, challenging the Executive Chamber's (the "Chamber") determination regarding FOIL request no. R001881-012626.

**1. Background**

On or about January 26, 2026, you submitted FOIL request no. R001881-012626 to the Chamber, which sought:

(1) records reflecting how Governor Hochul's five so-called "FY 2027 Article VII Bills", requiring Senate and Assembly sponsors – and so-posted on her Division of the Budget webpage of "FY2027 Executive Budget Legislation" as **proposed bills** of the Legislative Bill Drafting Commission, accompanied by supporting memoranda and preceded by a "Summary", *to wit*,

"Summary of Article VII Legislation Required For the Budget"

- Education, Labor and Family Assistance (ELFA) Bill & Memorandum in Support
- Health and Mental Hygiene (HMH) Bill & Memorandum in Support
- Public Protection and General Government (PPGG) Bill & Memorandum in Support
- Transportation, Economic Development and Environmental Conservation (TED) Bill & Memorandum in Support
- Revenue (REV) Bill & Memorandum in Support –

became five **actual** bills without Senate and Assembly sponsors, bearing combined Senate-Assembly bill numbers S.9005/A.10005 to S.9009/A.10009, January 21, 2026 dates of introduction, and purporting to be "submitted by the Governor pursuant to article seven of the Constitution";

(2) records reflecting why Governor Hochul's Division of the Budget website does NOT post these five **actual** bills, *to wit*:



- Public Protection & General Government Budget Bill #S.9005/A.10005
- Education, Labor & Family Assistance Budget Bill #S.9006/A.10006
- Health & Mental Hygiene Budget Bill #S.9007/A.10007
- Transportation, Economic Development & Environmental Conservation Budget Bill #S.9008/A.10008
- Revenue Budget Bill #S.9009/A.10009.

(3) records reflecting findings of fact and conclusions of law made with respect to CJA's March 18, 2020 letter to then Governor Cuomo, entitled:

"...GOOD NEWS DURING THIS CORONAVIRUS EMERGENCY – You Can Chuck Six of Your Seven 'Article VII Bills' Because They are Unconstitutional. Here's why based on the Court of Appeals' 2004 plurality, concurring, and dissenting opinions in *Pataki v. Assembly/Silver v. Pataki*, 4 N.Y.3d 75." (Emphases in original.)

By correspondence dated January 29, 2026, the Records Access Officer of the Chamber ("RAO") notified you of its determination denying the request on the basis that it was not a request for records, which may be made pursuant to the Freedom of Information Law. Public Officer's Law ("POL") 89(3)(a).

By letter dated February 28, 2026, you submitted an appeal challenging the determination.<sup>1</sup>

## 2. Determination

I have reviewed the matter and agree with the RAO that your request falls outside of the scope of the Freedom of Information Law. FOIL permits members of the public to request records from agencies, subject to certain exemptions. POL 89(3) makes clear that agencies need not create new records or compile information from documents in their possession in response to a FOIL request. See *Empire Center for Public Policy v. New York City Office of Payroll Administration*, 187 A.D.3d 435 (1st Dept. 2020); New York State Committee On Open Government Advisory Opinion 16632a (June 18, 2007). Your request appears to seek analyses, opinions or answers to questions, including, for example "how Governor Hochul's ... Article VII Bills ... became five actual bills[.]" "why Governor Hochul's Division of the Budget website does NOT post these five actual bills[.]" and "findings of fact and conclusions of law made with respect to CJA's ... letter to then Governor Cuomo...." (Original emphases omitted.) Although the request, as submitted, purports to be a requests for records, it is more appropriately described as a request for analyses, opinions or answers to questions, rather than a request for existing records. The Chamber is not obligated to create new records or provide such opinions, answers or analyses in response to a FOIL request. POL 89(3)(a); *Empire Center for Public Policy*, 187 A.D. 3d; COOG Advisory Opinion 16632a. In the alternative and

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<sup>1</sup> A copy of the appeal is enclosed for reference.



to the extent the requests may be understood as requests for records, I find that the requests are not reasonably described, as required by POL 89(3)(a). For example, requests for “records reflecting ... how Governor Hochul’s ... Article VII Bills ... became five actual bills[,]” “records reflecting why Governor Hochul’s Division of the Budget website does NOT post these five actual bills[,]” and “records reflecting findings of fact and conclusions of law made with respect to CJA’s ... letter to then Governor Cuomo...” are vague and ambiguous and do not describe the records sought with sufficient particularity. The request, as drafted, would not enable the RAO to locate responsive records using reasonable efforts. *Reclaim the Records v. New York State Department of Health*, 185 A.D.3d 1268 (3rd Dept. 2020).

The appeal dated February 28, 2026, is denied. This decision may be appealed in accordance with Article 78 of the Civil Practice Law and Rules.

Very truly yours,

Bella S. Satra  
Senior Counsel to the Governor  
FOIL Appeals Officer

cc:

NYS Committee on Open Government (coog@dos.ny.gov)  
NYS Executive Chamber Records Access Office (records.access@exec.ny.gov)