

From: NYS Executive Chamber Records Access Office <governorny@govqa.us>
Sent: Monday, February 9, 2026 11:11 AM
To: elena@judgewatch.org
Subject: [Records Center] FOIL Records Request :: R001900-020526

--- Please respond above this line ---



RE: FOIL Records Request of February 05, 2026., Reference # R001900-020526.

Dear Elena Sassower,

This letter responds to your request dated February 05, 2026, which pursuant to FOIL, requested:

The November 14, 2024 Report of the Commission on Legislative, Judicial and Executive Compensation (at pp. 11-13) recommended, effective January 1, 2025, salary increases for “Executive Law §169 Commissioners”, with a chart indicating the number as 52, which is plainly incorrect, as it does not include the numbers of members of commissions and boards within the ambit of Executive Law §169. Calculating them, the number appears to be 85, assuming that the chart (at p. 13) “2024 Compensation Commission Proposal -- Executive Law §169 Positions” is not, by its use of the word “Positions” expanding the number to give subordinate personnel, such as deputy commissioners, the benefit of salary increases. Pursuant to FOIL (Public Information Law Article VI), this is to request records as to: (1) the number of positions/persons covered by the chart – and receiving increases, effective January 1, 2025; (2) the cost of the salary increases for these positions/persons; (3) the cost of the concomitant salary-based “other compensation and non-salary benefits” for these positions/persons.

It has long been established that FOIL does not require responses to specific questions, but instead governs release of government records. See Public Officers Law § 89(3)(a) (indicating that an agency is not required to create a record in response to a request). “There is nothing in the Freedom of Information Law or the Open Meetings Law that requires that government officers or employees respond to questions, supply information

in response to questions or offer explanations for their governmental activities. New York State Committee On Open Government Advisory Opinion 16632a (June 18, 2007).

Pursuant to Public Officers Law § 89(4)(a), you have thirty (30) days to take a written appeal of this determination. You may appeal by writing: FOIL Appeals Officer, Executive Chamber, State Capitol, Albany, New York, 12224; or by email at Records.Access@exec.ny.gov.

Sincerely,

New York State Executive Chamber Records Access Office

To monitor the progress or update this request please log into the [Records Access Center](#)

