



January 22, 2025

VIA EMAIL

New York Governor's Office
Christopher Ritchey
FOIL Counsel & Records Access Officer
Executive Chamber
State Capitol
Albany, NY 12224
records.access@exec.ny.gov

Re: Freedom of Information Law Request

Dear Records Access Officer:

Pursuant to the Freedom of Information Law (FOIL), N.Y. Pub. Off. Law §§ 84-90, American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office produce the following records within five business days:

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by any of the New York Governor's Office officials listed below and containing any of the key terms listed below.

New York Governor's Office Officials:

- i. Governor Kathy Hochul
- ii. Stacy Lynch, Chief of Staff
- iii. Ivan Acosta, Deputy Chief of Staff
- iv. Alexandra Greene, Deputy Chief of Staff
- v. Marcos Soler, Deputy Secretary for Public Safety
- vi. Charlene Cordero, Assistant Secretary for Public Safety
- vii. Karen Shaer, Assistant Secretary for Public Safety

Key Terms:

- a. Trump
- b. Homan
- c. Noem
- d. border
- e. deport



- f. ICE¹
- g. “Immigration and Customs Enforcement”
- h. raid
- i. “FEMA grant”
- j. “FEMA funding”
- k. “federal grant”
- l. “federal funding”
- m. “migrant crime”
- n. “sanctuary status”
- o. “sanctuary city”

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited part 1 of this request to emails sent by the specified individuals. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means that both an individual’s response to an email and the initial received message are responsive to this request and should be produced.

2. A complete copy (including any attachments) of any formal or informal policy, guidance, directives, agreements, or protocol regarding cooperation between New York State agencies and U.S. Immigration and Customs Enforcement (ICE).

For both parts of this request, please provide all responsive records from November 5, 2024, through the date the search is conducted.

Fee Waiver Request

American Oversight requests that your agency consider waiving any fees associated with processing this request for records pursuant to 21 NYCRR § 1401.8(g). American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses information gathered through research and public records requests, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and X (formerly Twitter).²

¹ American Oversight does not object to excluding results where “ICE” is the only key term to appear in the record and the term is not in reference to Immigration and Customs Enforcement.

² American Oversight currently has approximately 16,000 followers on Facebook and 97,700 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jan. 17, 2025); American Oversight (@weareoversight), X (formerly Twitter), <https://x.com/weareoversight> (last visited Jan. 17, 2025).

The public has a significant interest in potential collaboration between New York State agencies and ICE officials.³ Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the New York State government, including whether and to what extent officials plan to collaborate with ICE on mass deportation operations.

Accordingly, American Oversight respectfully requests a fee waiver.

To the extent your agency anticipates charging any fees in connection with this request for records, American Oversight requests that you inform us in advance of doing so.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located

³ See, e.g., Nick Corasaniti, et al., *Resist Trump? On Immigration, Top Democrats See Room for Compromise*, N.Y. Times, Dec. 17, 2024, <https://www.nytimes.com/2024/12/10/us/politics/democrats-trump-immigration-crackdown.html>.

on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Chloe Dennison at records@americanoversight.org or 202.516.7117. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Chloe Dennison

Chloe Dennison
on behalf of
American Oversight