AMERICAN OVERSIGHT

February 20, 2025

VIA ONLINE PORTAL

New York State Senate
172 State Street
Capitol Building
Albany, NY 12247
Via Online Portal

Re: Freedom of Information Law Request

Dear Records Access Officer(s):

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 agency 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) between (a) the New York State Senate officials listed below, and (b) any of the external entities and individuals listed below, or anyone communicating on their behalf (including, but not limited to, at the listed email addresses and domains).

   New York State Senate Officials:
   1. Senator James Skoufis
   2. Emma Fuentes, Chief of Staff for Senator James Skoufis
   3. Emily Greaven, Scheduler for Senator James Skoufis
   4. Senator Steve Rhoads
   5. Anyone serving as Chief of Staff to Senator Steve Rhoads
   6. Anyone serving as Scheduler for Senator Steve Rhoads

   External Entities and Individuals:
   a. Hannah Meyers (hmeyers@manhattan-institute.org)
   b. Ilya Shapiro (ishapiro@manhattan-institute.org)
   c. Tim Rosenberger (trosenberger@manhattan-institute.org)
   d. Manhattan Institute (manhattan-institute.org, manhattan.institute)

   Please note that American Oversight does not seek, and part 1 of this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such

emails are responsive to this request. For example, if a listed official received a mass-distribution news clip email from a listed external entity or individual, that initial email would not be responsive to this request. However, if the official forwarded that email to another individual with commentary, that subsequent message would be responsive to this request and should be produced.

2. All email communications (including emails, email attachments, complete email chains, and calendar invitations) sent by the New York State Senate officials listed above listed above that contain any of the key terms listed below.

   Key Terms:
   1. "anti mask"
   2. "anti-mask"
   3. "concealment of identity"
   4. "face covering"
   5. "Manhattan Institute"
   6. "mask ban"
   7. "mask transparency"
   8. "Masked harassment"
   9. "masking ban"
   10. "masking law"
   11. "wearing of a mask"
   12. S3070
   13. S9194
   14. S9867

   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 2 of its request to emails sent by the listed official. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. For example, both a listed official's response to an email containing a listed key term and the initial received message are responsive to this request and should be produced.

For both parts of this request, please provide all responsive records from May 1, 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).[1]

The public has a significant interest in state officials' communications with outside groups. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of New York State government, including whether and to what extent lawmakers have communicated with outside groups about legislation.

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:

- 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 on systems where they are subject to potential deletion, including on a scheduled

[1] American Oversight currently has approximately 16,000 followers on Facebook and 95,800 followers on X (formerly Twitter). American Oversight, Facebook, https://www.facebook.com/weareoversight/ (last visited Feb. 14, 2025); American Oversight (@weareoversight), X (formerly Twitter), https://x.com/weareoversight (last visited Feb. 14, 2025).

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. 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 Emma Lewis at records@americanoversight.org or (202) 919-6303. 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/ Emma Lewis
Emma Lewis
on behalf of
American Oversight