

Riverhead scores an 'A+' in island-wide audit of Freedom of Information Law compliance by counties, towns, villages

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Riverhead and Southold town governments scored at the top of a comprehensive audit by the Press Club of Long Island testing county and local governments on their compliance with the state Freedom of Information Law.

Both town governments on the North Fork scored an A+ on the PCLI open records report card, released this morning.

The Village of Greenport scored a C.

PCLI, the Long Island chapter of the Society of Professional Journalists, conducted the audit of 195 municipalities and agencies, rating them on: adherence to legal deadlines, whether they provided documents they are required to maintain; whether they denied requests in writing; whether they identified their FOIL denial appeals officer; whether PCLI had to appeal a denial; and whether they emailed the documents when requested.

The municipalities were also graded on two other criteria not specified in FOIL: how many times PCLI had to follow-up, and their helpfulness, such as turning over documents well ahead of deadlines, or unhelpfulness, such as requiring PCLI to go to their offices to pick up files in person.

Municipalities were not told that the FOIL requests were part of an audit.

Riverhead was the quickest to respond of Long Island's 13 towns, fulfilling the FOIL request in just two days, according to the report. Southold took just six days to fulfill the requests. Greenport Village required 86 days to fully respond to the request, according to the report card.

Some other municipalities and agencies took months to fulfill the requests. Suffolk County Executive Steve Bellone's office took nearly a year — 342 days — denying the organization's request for some records and, according to the report card, failed to comply with the requirements of the law.

"I'm very proud of this," Riverhead Town Supervisor Sean Walter said this morning. "I'm proud of Town Clerk Diane Wilhelm, deputy town attorney Dan McCormick and financial administrator Bill Rothaar, who are very responsive and helpful," he said.

"I've always felt that this is the people's information, the people's business. As elected officials, we hold these records as trustees for the public and people are entitled to access it, with few exception," Walter said.

"We make every effort to be open, upfront and accessible to the public," Southold Town Supervisor Scott Russell said. "The score indicates how everybody in Town Hall operates."

When asked for a comment by the organization Village Clerk Sylvia Pirillo noted that the village has improved its responsiveness since PCLI filed its request, according to the report card.

"I did agree that one portion of your seven-part request could perhaps have been answered in a more timely manner," she wrote to the organization. "Also, it must be simultaneously noted that the terminology 'as far back as records are kept' is nebulous at best, in terms of records access requests. In the one-plus year since your request, the village has streamlined its FOIL process, with great success," she wrote.

Almost two-thirds of the municipalities and agencies failed to respond to requests for public records before the deadlines set by the law, while almost half did not provide a list of documents they're required to maintain, PCLI said in a press release today. [View the full report here.](#)

New York's [Freedom of Information Law](#), in place for four decades, spells out the process by which the public — and the media — can obtain government documents.

The audit was conducted over 16 months by Timothy Bolger, freedom of information chair for PCLI.

"If the Long Island governments and agencies we tested were high school students with a cumulative grade of a C, they would not be getting into the college of their choice," said Bolger, managing editor of the Long Island Press, which supported the project by giving him the time to conduct the audit.

"Many local officials are frequently quoted touting their commitment to transparency, but what we found is that actions don't always match the buzzwords," Bolger said. "We are encouraged that some officials had already begun improving their responsiveness to records requests before we contacted them about their grades and others took their grades as a call to action to do better."

Bolger identified himself as a member of the press and his requests were mostly made via email except in the cases of agencies for which no email address could be found. In those cases, he mailed requests.

"I'm not sure that, in some government agencies, officials are as receptive to the public and the news media as they should be. I think the public has the right to expect that government will do the right thing," said Robert Freeman, executive director of the Committee on Open Government, after reviewing the audit's findings. "Unfortunately, that does not happen as frequently or as routinely as it should." The Committee on Open Government is a unit of the N.Y. Department of State that oversees FOIL.

PCLI stopped short of taking nonresponsive agencies to court to ask a judge to compel them to release public documents, which is the next step under FOIL when an appeal of a records request denial is denied. Under the law, a judge can award attorneys' fees in such cases to the plaintiffs, should the case be decided in their favor. Judges sometimes order non-compliant agency staffers to take FOIL refresher courses led by the state Committee on Open

Government, which also regularly publishes advisory opinions on FOIL issues brought to its attention.

The Society of Professional Journalists is the largest national journalism organization. PCLI, the Long Island chapter of SPJ, was founded in 1974.

The release of the report card this morning coincides with the beginning of National Sunshine Week, an annual nationwide celebration of access to public information and what it means for American citizens.