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VIA FOIL RECORDS ACCESS CENTER (ELECTRONIC) — SUBMITTED AS A NEW REQUEST

Records Access Officer
New York State Department of State
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231-0001

Re: FOIL request — processing, communications, and consultation records concerning FOIL Request R000654-041926 and Appeal Z000016-062126

Dear Records Access Officer:

Pursuant to Article 6 of the Public Officers Law, I request the following records of the Department of State, including without limitation its Records Access Office, Records Appeals Office, and Office of General Counsel. This is a new request, separate from FOIL Request R000654-041926 and from my other pending requests and appeals.

1. The complete case files for FOIL Request R000654-041926 and FOIL Appeal Z000016-062126 as maintained in the Department's records-management system (GovQA / FOIL Records Access Center), including the audit trail or history log, status and routing changes, assignment records, internal notes or comment fields, and all correspondence associated with either matter, from April 19, 2026 to the date of this request.
2. All communications between the Records Access Office (or any member or staff of it) and the Records Appeals Office, the Office of General Counsel, or the Assistant Records Appeals Officer, concerning either matter, from June 18, 2026 to the date of this request — expressly including the communication or communications by which the Assistant Records Appeals Officer was “advised that the Records Access Office provided [me] with responsive documents on July 1, 2026,” as recited in the Department's July 2, 2026 appeal determination; records identifying the name, title, and role of each person who supplied that advice; and any record showing whether the Assistant Records Appeals Officer independently reviewed the July 1 production, the redactions, or the undetermined request categories before issuing the July 2 determination.

3. All communications between any office or employee of the Department and West Publishing Corporation, Thomson Reuters, or any affiliate, employee, agent, or counsel thereof, concerning FOIL Request R000654-041926, Appeal Z000016-062126, the redaction of pricing information from Contract C1001200 amendments, or any consultation under Public Officers Law § 89(5), from April 19, 2026 to the date of this request.

4. All records of any § 89(5) exception-from-disclosure process concerning Contract C1001200 materials, including: any request by the Contractor for trade-secret or confidential treatment (with its date, method of submission, the specific records or portions designated, and the written reasons submitted); any Department notice to the Contractor that it would determine whether an exception should be granted or continued; any statement of necessity submitted by the Contractor; any written Department determination granting, continuing, or terminating an exception; any service on the Committee on Open Government or on a requester; and any communications concerning whether Contract § 32 — in which the Contractor “claims no exceptions from disclosure under Public Officers Law section 87(2)(d)” — barred or affected any later § 87(2)(d) assertion.

5. Records reflecting the decision to redact the “Private Rate” columns of the amendment pricing tables produced on July 1, 2026, including any redaction log, exemption worksheet, review memorandum, or draft of the July 1 response; records identifying the official or officials who made or approved the redactions and any guidance, policy, or instruction relied upon; and records showing whether the Contractor requested, reviewed, or approved those redactions.

6. Records identifying the program areas, offices, or custodians to which Request R000654-041926 was referred for search, and the search instructions, parameters, terms, or scope used in the “diligent search” described in the Department’s extension notices of May 27 and June 18, 2026.

7. Records sufficient to identify, by name and title, the “Assistant Records Appeals Officer” who issued the July 2, 2026 determination of Appeal Z000016-062126, and the Department’s current designation of records access officer(s) and appeals officer(s) pursuant to Public Officers Law § 89(1)(b)(iii) and 21 NYCRR Part 1401.

Anticipating reliance on Public Officers Law § 87(2)(g) (inter-agency or intra-agency materials): that exemption does not reach the requested materials to the extent they consist of statistical or factual tabulations or data, instructions to staff that affect the public, or final agency policy or determinations, § 87(2)(g)(i)–(iii), and factual portions of otherwise deliberative documents must be segregated and disclosed. *Matter of Gould v. New York City Police Dept.*, 89 N.Y.2d 267 (1996). Item 3 lies outside § 87(2)(g) altogether: West Publishing Corporation and Thomson Reuters are not an “agency” as defined by Public Officers Law § 86(3), and they are a vendor and contract counterparty — not a consultant retained by the Department for the purpose at issue — so communications with them are neither inter-agency nor intra-agency materials. *See Matter*

of Town of Waterford v. New York State Dept. of Envtl. Conservation, 18 N.Y.3d 652, 657–658 (2012). If the Department nonetheless contends that any such communication falls within a retained-consultant or other intra-agency theory, please identify the basis for that contention. For any record withheld or redacted under § 87(2)(g), please provide an index identifying the record, its date and participants, the exemption claimed, and whether factual tabulations or data, instructions to staff affecting the public, final agency policy, or final determinations were segregated and produced.

Please construe each numbered item separately and provide rolling production where feasible, rather than deferring all items pending completion of any one. If no records exist for any item, please provide a certification pursuant to Public Officers Law § 89(3)(a) that the Department does not have possession of such records or that such records cannot be found after diligent search. I prefer to receive responsive records as PDFs through the Records Center (electronic form, per § 87(5)(a)). If any portion is withheld, please specify the statutory basis under § 87(2) for each redaction, with the particularized and specific justification the statute requires. Please acknowledge receipt within five business days as required by § 89(3)(a).

Respectfully submitted,

Stephen Murphy

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Requester