



NEW YORK STATE SENATOR

Liz Krueger

## Senator Krueger, Assembly Member O'Donnell Release Letter To Gov. Cuomo Calling For Summit ASAP And Immediate Suspension Of Email Deletion

LIZ KRUEGER March 18, 2015

| ISSUE: **ETHICS**

**New York** – State Senator Liz Krueger and Assembly Member Daniel O’Donnell today released a letter to Governor Andrew Cuomo, urging him to follow through on a proposed email retention and transparency summit as soon as possible, and to immediately suspend his administration’s 90-day email deletion policy. The letter also strongly recommends the inclusion of policy experts in the discussion, including Robert J. Freeman, Executive Director of the Committee on Open Government (COOG), as well as state archive staff and representatives of the National Archives and Records Administration (NARA).

Senator Krueger and Assembly Member O’Donnell are the authors of [S4307/A6078](#), legislation that would require government emails to be retained for at least 7 years, and subject the legislature to Freedom Of Information Law (FOIL).

“New Yorkers are tired of the childish “you first” mentality - it’s time for the adults in the room to have a rational conversation,” said **Senator Krueger**. “After calling for a summit on transparency, the Governor’s office now seems to be making that summit conditional on the legislature first adopting FOIL. I believe it is important to open the legislature to FOIL, and

the bill Assembly Member O'Donnell and I have introduced will do just that. But the Governor can and should do the right thing and take action now to end the practice of auto-deleting emails. He has demonstrated that kind of leadership before, and it is needed again."

"We don't need to hold a summit before we halt the current indefensible email deletion policy," said **Assembly Member O'Donnell**. "An immediate suspension and then a summit as soon as possible will enable us to have the intelligent conversation we need regarding a unified state policy. This means inviting policy experts as well as legislative stakeholders, and developing a policy that reflects a commitment to sincere and broad transparency. Both a suspension of the policy and a summit need to happen urgently, but the suspension must happen now. With every day of delay, more emails are being lost that may prove necessary for future investigations."

The full text of the bill can be read below, and is [also available here](#).

# # #

March 17, 2015

Andrew Cuomo

Governor

The Capitol

Albany NY 12224

Dear Governor Cuomo,

We are pleased that you have recognized the importance of reforming email retention and FOIL policy, and we fully support you in your call for a summit addressing these issues. We urge you to follow through by bringing together relevant parties as soon as possible. Until such a meeting is held, we urge you to prevent further loss of public records by immediately suspending your administration's policy of auto-deleting emails after ninety days.

As sponsors of legislation (S4307/A6078) addressing both email retention policy and expanding FOIL to the legislature, we stand ready to participate in any and all meetings on these subjects. It is also critical that experts on these policies be brought into the discussion. We therefore urge you to invite Robert J. Freeman, Executive Director of the Committee on Open Government (COOG), to join these discussions. COOG has made numerous policy recommendations regarding improving and expanding FOIL and ensuring access to government records.

In addition, such a discussion would benefit from the inclusion of state archive staff and the participation of representatives of the National Archives and Records Administration (NARA). NARA recently adopted the Capstone email management policy, which has been recognized as the state-of-the-art in bringing records retention practices into the age of electronic communications.

We believe that the current public discussion of these issues presents a real opportunity to craft policies that make our government more transparent. However we also know that this opportunity can be squandered if immediate action is not taken to bring together relevant policymakers and experts.

We are eager to participate in these important discussions. We look forward to you scheduling this policy summit at the earliest possible date, and hope that until a new policy is in place you will suspend current auto-deletion policies that could result in the destruction of important government records.

Sincerely,

Liz Krueger  
State Senator

Daniel J. O'Donnell  
Assembly Member