



NEW YORK STATE SENATOR

Susan Serino

FOIL DENIAL CONFIRMS FEBRUARY SECRET MEETING UNDER INVESTIGATION

SUSAN SERINO May 7, 2021

| ISSUE: **NURSING HOME DEATHS**

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Serino Files Appeal

ALBANY, NY—Senator Sue Serino announced today that the [Freedom of Information Law \(FOIL\) request she filed](#) regarding the secret meeting between the Governor's top officials and members of the Legislature regarding the cover-up of COVID-19 nursing home deaths has been officially denied.

The denial letter comes months after a written copy of the transcript was released publicly by the Administration. Notably, it was Senator Serino's ask for the release of any records or recordings pertaining to the meeting that triggered the denial. In a letter, the FOIL officer argued this portion of the request is problematic saying: "*any potentially responsive records 'are compiled for law enforcement purposes and which, if disclosed, would ... interfere with law enforcement investigations.'*" Senator Serino has filed an official appeal.

"After dragging their feet for months, the Governor's FOIL denial only raises more questions than it answers," said Senator Serino. "Unfortunately, due to the Governor's lack of transparency on this issue, we are left to assume that something on the meeting recording, or related to the meeting's records, goes beyond what was released in the 'rush' transcript. New Yorkers deserve to know the full extent of what was discussed during that time and what lawmakers knew about the withholding of key data pertaining to COVID-19 deaths in nursing homes. It is our hope that these investigations shine light on these critical issues in a way the State Senate's Supermajority refuses to."

Under New York State's Freedom of Information Law, Article 6 of the Public Officers Law, agencies are required to provide a response within five business days from receipt of request. Despite the public release of a 'rush transcript' on February 17, 2021, Senator Serino received multiple letters from the FOIL office requesting additional time to fulfill the request before the denial ultimately arrived.

Full copies of the denial letters, as well as a copy of Senator Serino's appeal, are attached.

Senator Serino is the Ranking Member of the State Senate's Aging Committee.