



**Human Resources  
Administration**

Department of  
Social Services

Office of the  
General Counsel

W-2-110  
Rev. 01/15

Steven Banks  
Commissioner

January 13, 2017

Martha A. Calhoun  
General Counsel

Jeffrey Alfano  
Law Office of Jeffrey Alfano  
1000 South Avenue Suite 104  
Staten Island, NY 10314

150 Greenwich Street  
New York, NY 10007

929 221 7327

Re: **Freedom of Information Law (FOIL) Appeal**

Dear Mr. Alfano:

I write in response to your letter dated January 6, 2017 in which you appeal the denial of your client's (Ronald Castorina, Jr. and Nicole Malliotakis) November 29, 2016 and December 2, 2016 identical FOIL request seeking "all scanned application materials associated with IDNYC (also known as New York City's Municipal ID program) program maintained by HRA and any other City Agency including the Mayor's Office in digital format."

By emails to your clients dated December 7, 2016, HRA's Records Access Officer responded to the FOIL requests, explaining that access to the requested records was denied:

"pursuant to Public Officers Law (POL) Sec. 89(2)(b)(iv) which exempts from disclosure "information of a personal nature when disclosure would result in economic or personal hardship of the subject party and such information is not relevant to the work of the agency requesting or maintaining it,"; and POL Sec. 89(2)(b)(v) exempting "information of a personal nature reported in confidence and not relevant to the work of the agency requesting or maintaining it."

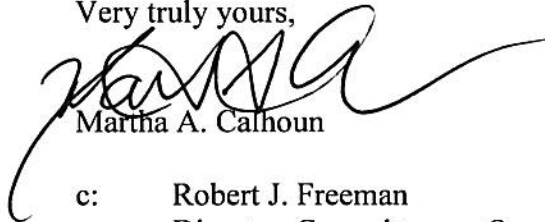
Furthermore, as FOIL's personal privacy exemption is not limited to the categories specifically listed in the statute, and extends to any document as to which the privacy interests outweigh the public interest in disclosure, the particular records are similarly denied pursuant to POL Sec. 87(2)(b), which permits an agency to deny access to records insofar as disclosure would constitute "an unwarranted invasion of personal privacy."

Finally, the records sought are being denied pursuant to POL Sec. 87(2)(f), which allows the agency to withhold materials where disclosure "could endanger the life or safety of any person," - here, the applicants themselves and their loved ones

I have reviewed the FOIL requests and HRA's determinations denying those requests. In my view, the requested records are exempt for the reasons stated in HRA's determinations and that, therefore, the determinations by HRA's Records Access Officer to deny access were proper.

This constitutes the agency's determination on your appeal.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Martha A. Calhoun', with a long, sweeping flourish extending to the right.

Martha A. Calhoun

c: Robert J. Freeman  
Director, Committee on Open Government