

James A. Caruso
Corporation Counsel

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February 9, 2018

Adam Steinbaugh
c/o Foundation for Individual Rights in Education
510 Walnut Street
Suite 1250
Philadelphia, Pennsylvania 19106

RE: FOIL APPEAL

Dear Mr. Steinbaugh:

The Law Department of the City of Troy is in receipt of your Appeal, dated January 17, 2018, of the FOIL request denied by John Sells, of the City of Troy, Deputy Director of the Troy Police Department, in his capacity as the Freedom of Information Law (FOIL) Officer. The City of Troy's response to your FOIL Appeal.

By FOIL request dated November 8, 2017, you made a written request to the City

to the present date, any records of communication or correspondence between the City

copy of any photographs, audio or video recordings, or any other documents, including

sent on October 12, 2017.

Subsequent to that date, you made an additional request for "A copy of any contract, agreement, memorandum of understanding, request, or other document which identifies the relationship between Rensselaer Polytechnic Institute, including its agents and affiliated entities, and the Troy Police Department, including its individual officers,"

Police Department and Rensselaer Polytechnic Institute (including its agents and

affiliated entities) which is now to have been sent on October 12, 2017.

agreement between the Troy Police Department and the Rensselaer Polytechnic Institute (including its agents and affiliated entities) which is now in force or was in force on October 13, 2017.”

By response dated December 10, 2017, Mr. Salko advised you that your requests “for the period of September 1, 2017 to the present date, any records of communication or correspondence between the Troy Police and Rensselaer Polytechnic Institute on 13, 2017” and “... a copy of any photographs or videos taken or possessed by the Troy Police which depict a demonstration of Rensselaer or about October 13, 2017” were denied pursuant to New York Public Officers Law, Section 87(2)(b) (b) (3) - (4).

For the following reasons, your Appeal is granted, in part, and denied, in part.

Pursuant to New York Public Officers Law, Section 87(2)(b) (b) (3) - (4), “[a]ny records of communication or correspondence between the Troy Police and Rensselaer Polytechnic Institute on 13, 2017” are exempt from disclosure under FOIA, except routine techniques and procedures...

In the instant matter, I held a public hearing on February 8, 2018, in which you presented evidence that you had been informed by the City of Troy that those records do not exist.

you that those records do not exist. Clearly, the City of Troy has no obligation to provide documents that do not exist. Nevertheless, you have not provided any evidence in possession of a written statement from the Troy Police Department to...

Accordingly, as discussed above, your FOIL Appeal is hereby granted, in part, and denied, in part.

DATED: Troy, New York
February 8, 2018



JAMES A. CARISO, ESO.