

**Department
of Health****ANDREW M. CUOMO**
Governor**HOWARD A. ZUCKER, M.D., J.D.**
Commissioner**SALLY DRESLIN, M.S., R.N.**
Executive Deputy Commissioner

August 9, 2018

VIA E-MAIL ONLYTammy A. Hepps
Reclaim the Records
hepps@post.harvard.edu
thepps@gmail.com

Re: 17-09-123

Dear Ms. Hepps:

This letter is in response to your e-mail of July 11, 2018, by which you re-submitted an earlier Freedom of Information Law request from another representative of Reclaim the Records for a copy of the New York State marriage index from January 1, 1967 to December 31, 2017.

By way of background, on February 15, 2018, the Department of Health (DOH) responded to the initial request for the marriage index submitted by Brooke Schreier Ganz, Founder and President of Reclaim the Records, granting the request, in part, by providing such records up through 1966. Ms. Ganz appealed the denial of access to the marriage index for the period 1967 through 2016. Ms. Ganz appeal was denied as untimely; however, in his April 24, 2018 letter, the Records Access Appeals Officer explained that even if Ms. Ganz's appeal had been timely, her appeal would be denied based on Public Officers Law §§87(2)(a), (b), (f), and (i), each of which preclude the DOH from releasing records of the marriage index for the time period. A copy of the determination letter is enclosed for your reference.

Accordingly, the Department of Health's denial of Reclaim the Records' request for these records has run its administrative course. The Freedom of Information Law does not require DOH to consider a request that is duplicative of a request we previously responded to and produced responsive records. Vann v. Callahan, 16 A.D.3d 849, 850 (3d Dep't 2005). Your recent request is a blatant attempt to contravene the statutory deadline to take an appeal of a FOIL determination pursuant to Public Officers Law § 89(4)(a), and therefore will not be reconsidered. See Greene v. City of New York, 196 Misc.2d 125, 130 (Sup. Ct. N.Y. Cnty. 2003).

If you require additional information or wish to discuss this matter further, please do not hesitate to contact me at (518) 474-8734.

Sincerely,

*Rosemarie Hewig*Rosemarie Hewig, Esq.
Records Access Officer

cc: David B. Rankin, Esq. (via first class mail only) (w/ enclosure)