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In the Matter of the Application of
RECLAIM THE RECORDS and
BROOKE SCHREIER GANZ,

Index No. 04058-18

Petitioners,

-against-

AFFIDAVIT

NEW YORK STATE
DEPARTMENT OF HEALTH,

Respondent,

For a Judgment Pursuant to Article 78 of
the Civil Practice Law and Rules
-----X

STATE OF NEW YORK)
) ss.:
COUNTY OF ALBANY)

ROSEMARIE HEWIG, being duly sworn, deposes and says:

1. I am the Records Access Officer at the New York State Department of Health ("DOH") and oversee the operations within DOH's Records Access Office ("RAO"), including the handling of requests for records pursuant to the Freedom of Information Law ("FOIL"). The following is based upon my personal knowledge as well as my review of records maintained by DOH in the regular course of DOH's business.

2. I make this affidavit to oppose the Verified Petition of Reclaim the Records and Brooke Schreier Ganz ("the Requester") dated June 20, 2018, which seeks an Order: (a) directing respondent DOH to produce all records and documents responsive to Petitioners' October 17, 2017 FOIL request #17-10-253; (b) directing respondent to explain the manner in which records are kept that allegedly prevent a search for responsive documents; (c) directing respondent to produce information regarding its employees who conducted the search and their duties; (d) directing respondent to produce information about the subject matter of its records; (e) directing respondent to certify that a diligent search was conducted that failed to produce responsive

records and documents requested; (g) awarding petitioners costs and disbursements and legal fees and (h) any other and further relief as the Court may deem just and proper.

Applicable Law

3. The Freedom of Information Law is contained in Public Officers Law ("POL"), Article 6, §§ 84-90.

4. POL § 89(3)(a) requires:

Within five business days of the receipt of a written request for a record reasonably described, [an agency] shall make such record available to the person requesting it, deny such request in writing or furnish a written acknowledgement of the receipt of such record and a statement of the approximate date, which shall be reasonable under the circumstances of the request, when such request will be granted or denied...

Furthermore, POL § 89(3)(a) provides:

an agency determines to grant a request in whole or in part, and if circumstances prevent disclosure to the person requesting the record or records within twenty business days from the date of the acknowledgement of the receipt of the request, the agency shall state, in writing, both the reason for the inability to grant the request within twenty business days and a date certain within a reasonable period, depending on the circumstances, when the request will be granted in whole or in part.

If the agency, upon evaluating a production deadline, determines that it must extend the estimated due date so that a diligent search and review of records can be appropriately completed, nothing in the statute prevents it from doing so and such extensions do not render the ultimate response untimely.

5. POL § 89(4)(a) provides:

...any person denied access to a record may within thirty days appeal in writing such denial to...the person therefor designated...who shall within ten business days of the receipt of such appeal fully explain in writing to the person requesting the record the reasons for further denial, or provide access to the record sought...Failure by an agency to conform to the provisions of subdivision three of this section shall constitute a denial.

6. POL §89(4)(b) requires that a person denied access to a record in an appeal determination under the provisions of paragraph (a) of this subdivision may bring a proceeding for review of such denial pursuant to Article seventy-eight of the Civil Practice Law and Rules.

Petitioner's FOIL request

7. On October 17, 2017, Brooke Schreier Ganz (the "Requester") submitted a FOIL request for

all (1) correspondence, (2) emails, (3) proposals, (4) drafts, (5) notes, (6) agreements, (7) contracts, (8) meetings and (9) calendar entries, (10) phone logs, (11) meeting minutes, (12) budget items, (13) receipts, (14) vendorization forms or data, (15) bids, (16) evaluation materials, (17) Freedom of Information Law (FOIL) records requests and their associated correspondence and (18) any appeals, and (19) any other documentation or communications between the New York State Department of Health and Ancestry.com, or (20) such materials within the New York State Department of Health about Ancestry.com. Ancestry.com might also be listed as (1) Ancestry, (2) Ancestry LLC, (3) Ancestry.com LLC, (4) Ancestry.com holdings, (5) Ancestry.com Holdings LLC, or (6) similar terms.¹

I am requesting these materials for all dates between January 1, 2015 to October 17, 2017, inclusive.

A copy of the request ("FOIL #17-10-253") is annexed hereto as **Exhibit A**.

8. On October 18, 2017, the RAO issued an acknowledgement letter advising the Requester that FOIL #17-10-253 had been received. Additionally, the letter noted that "[a] determination as to whether your request is granted or denied will be reached in approximately 20 business days or we will notify you in writing if the responsible program area(s) should require additional time to locate, assemble, and review documents that may be responsive to your request." A copy of the RAO's acknowledgement letter is annexed hereto as **Exhibit B**.

9. On November 15, 2017, the RAO sent an extension letter with an estimated date of completion of January 23, 2018. A copy of the RAO's extension letter is annexed hereto as **Exhibit C**.

RAO Response

¹ The numbering added to this paragraph has been inserted herein for clarity.

10. On January 23, 2018, the RAO issued a complete and final response to FOIL #17-10-253. A copy of the RAO's response letter and materials released to the Requester are annexed hereto as **Exhibit D**.

11. With respect to the portion of FOIL #17-10-253 pertaining to "Freedom of Information Law (FOIL) requests and their associated correspondence," the Requester was provided with responsive materials. Specifically, the RAO released two FOIL requests received from Jared Akenhead at Ancestry.com, dated March 9, 2017 and June 22, 2017 and an RAO acknowledgement letter for each request. In regard to the March 9, 2017 request, the RAO additionally released an extension letter dated April 7, 2017, as well as an email from the RAO dated May 15, 2017 confirming that the request was closed. In regard to the June 22, 2017 request, the RAO additionally released two extension letters dated July 24, 2017 and September 26, 2017.

12. Furthermore, with respect to Mr. Akenhead's March 9, 2017 request, the RAO advised the Requester that she was already in possession of the records released to Mr. Akenhead pursuant to her own FOIL request number 16-01-037, which request is not at issue in this proceeding. It should be noted that while Petitioner goes into great detail regarding the history leading up to FOIL #17-10-253, including numerous correspondences between RAO and Ms. Ganz regarding potential fees to inspect the records sought in request 16-01-037, the RAO did release the records sought under 16-01-037 to Ms. Ganz on May 15, 2017 without charging a fee of any kind.

13. As the RAO is a discrete unit within DOH's Division of Legal Affairs, it was able to identify any and all individuals who may have had involvement in the handling or processing of FOIL requests and perform a search of its files to identify any FOIL requests or related correspondence between the RAO and "Ancestry". Furthermore, due to the size of the RAO unit and longevity of its staff, it was able to ascertain that there were no FOIL requests from any requesters with terms similar to "Ancestry" within the requested time period. Thus, it was able

to response to the portion of FOIL #17-10-253 requesting FOIL requests and their associated correspondence.

14. The Requester was further advised that the responsive materials provided contained redactions pursuant to POL §87(2)(b) because disclosure would constitute an unwarranted invasion of personal privacy and POL §87(2)(g) as inter-agency or intra-agency materials. It does not appear that Petitioner is contesting these redactions as the Petition broadly requests that DOH produce all record and documents responsive to the Request but does not specifically reference redactions contained within the released materials. Furthermore, these redactions were not addressed in the Requester's appeal dated February 20, 2018, nor in the appeal determination letter issued on February 26, 2018. In any event, the redactions were appropriate under the cited sections of the POL.

15. Although Petitioner alleges that RAO "denied the remaining portions of [the] FOIL request, referencing Public Officer's Law §89(3) and stating [RAO] could not produce the records, 'as your FOIL request fails to reasonably describe the records you are seeking with sufficient detail to enable this Department to locate them,'" the RAO did directly respond to one additional portion of the Request. The RAO advised the Requester that "with respect to the portion of [the] request concerning 'any appeals' pertaining to Ancestry.com, please be advised that after conducting a diligent search, no records responsive to your request have been located." DOH designates one individual as the Records Access Appeals officer (please see the accompanying affidavit of David J. Spellman for additional information regarding his duties). As the RAO had already ascertained that it did not receive FOIL requests from requesters with names similar to "Ancestry," and thus it would follow that there would be no appeals, the ambiguity of the phrase "similar terms" was not relevant to the RAO's ability to respond to this portion of FOIL #17-10-253. As such, the RAO was able to identify and consult the appropriate custodian and conduct a diligent search to determine that responsive records did not exist in regard to this portion of FOIL #17-10-253.

16. Despite the RAO's ability to respond to specific, discrete portions of FOIL #17-10-253, the remainder of the request was not reasonably described. As detailed in paragraph 7 *supra*, there are 20 separate categories of information requested which could be maintained by any of the 5,400 DOH employees. As there are no limitations as to the subject matter of records sought, the RAO would have been required to ask each and every DOH employee to conduct a search of his or her paper files, electronic files and emails to determine if they had any materials containing the word "ancestry." Each program area of DOH would also be tasked with searching every shared file, whether physical or electronic, and shared agency email accounts for the word "ancestry." Furthermore, the RAO would be required to advise each employee to search not only for five variations of the word "ancestry," but also any terms similar to the word "ancestry." This introduces a subjective element into a search, as each employee would be inquired to interpret what terms are similar to "ancestry." A request that requires such interpretation can hardly be labeled as a reasonably-described request.

17. Furthermore, even if the RAO was somehow able to undertake and manage the herculean tasks of coordinating with each of the 5,400 DOH employees and manage each employee's response, it would then be tasked with performing a legal review of each document provided for responsiveness and other exemptions as allowed by Public Officer's Law. It is likely that, due to the use of the phrase "similar term," the uncertainty and subjectivity that DOH employees experienced when searching their files would continue as the RAO attempted to review the documents provided to them to determine if they were, in fact, responsive. Again, this subjective element is indicative of the fact that the request is not reasonably described.

18. While Petitioner asserts that she provided "numerous search terms, including numerous terms for the form of requested material," she is overlooking the fact that, rather than defining the scope of the search, "numerous search terms" have the effect of broadening the universe of potentially responsive documents. It is difficult to think of a single one of DOH's program areas and sub-program areas that would not be the potential custodian to a single one

of the 20 subject areas provided. The sheer volume of search terms is, in fact, one of the elements the RAO took into consideration when determining that FOIL #17-10-253 failed to describe the records sought with sufficient detail to locate them.

19. Petitioner's contention that FOIL #17-10-253 provided "several search terms" for Ancestry.com has the same practical effect. Rather than serving to describe the records sought, the more terms provided broaden the scope of the search that would have to be undertaken. By directing that any terms similar to "Ancestry.com" must also be taken into consideration when conducting a search, FOIL #17-10-253 is requesting an endless search.

20. Rather than simply denying FOIL #17-10-253, the RAO conducted searches for items for which it could ascertain the universe of potentially responsive custodians. Furthermore, in addition to advising the Requester that the remainder of the request was denied, the RAO also advised the Requester what information would be helpful to allow the RAO to conduct a comprehensive search in response to future FOIL requests. The RAO advised that due to the "considerable number of individuals employed by the Department of Health, a list of specific employees whose communications you are seeking, as well as the subject matter of the types" could assist the RAO in performing a diligent search. There is nothing stopping the Requester from submitting a follow-up request describing the records she is seeking with more specificity. To date, the RAO has received no such follow-up request.

21. The RAO's policy when it receives any FOIL request which asks for communications, correspondence or emails between broadly defined recipients within DOH is to deny the request as being unreasonably described pursuant to POL 89(3) and request further specificity to enable it to conduct a comprehensive and complete search. It would not be appropriate for the RAO to guess which of many program areas may have responsive documents but fail to canvass DOH in its entirety when a request written as broadly as Ms. Ganz's request is clearly indicates that it is seeking any materials "within New York State Department of Health." Similarly, while Petitioner alleges that "the identify of specific DOH employees who communicated

with Ancestry.com” could be culled from reviewing responsive materials, Petitioner is again overlooking the fact that a search of just those employees identified in the Verified Petition would not constitute a comprehensive search and would not fulfil DOH’s responsibilities to conduct a diligent search.² Furthermore, DOH does not generally maintain records by names of entities. In other words, DOH does not have a method for searching the entire agency’s records using the name of an entity. Accordingly, DOH is unable to conduct a search for correspondence, e-mail or otherwise, between an “entity” and DOH absent specific names of individuals who are party to the correspondence.

22. Petitioner alleges that DOH failed to describe its searches for records pursuant to its obligations under POL §89(3). Yet, Petitioner is mistaken as nothing in POL requires DOH to describe its search procedures or explain the manner in which records are kept. Furthermore, the mention of searches in POL 89(3) occurs in the context of an agency’s certification that it does not have possession of a record or that such record cannot be found after diligent search, not that an agency should describe its searches or its inability to perform a search.

23. Similarly, there is nothing contained in POL which requires the RAO to produce information regarding employees who conducted a search for responsive materials or their duties. It is sufficient that a search was conducted by the RAO which resulted in the release of materials on January 23, 2018. This search also resulted in the finding that additional responsive materials had been provided to the Requester on a portable drive in response to a separate FOIL request. Finally, the RAO conducted a search for FOIL appeals, which located no responsive materials. This was the extent of the searches that the RAO was able to complete as the rest of the request was unreasonably described, vague, and overly-broad request and it is irrelevant which

² It should be noted that Petitioner provided specific names in the Verified Petition which were gleaned from the responsive material RAO provided in response to the reasonably described portion of her request for FOIL records. These materials were provided because a comprehensive and complete search for FOIL records within the FOIL office was performed which included knowledge of RAO employees who assisted in preparation of the FOIL requests. Petitioner provided no specific names in her FOIL request #17-10-253.

employees conducted the search or their job description. Additionally, while Petitioner contends that if DOH had provided her with information regarding DOH employees she may have been able to provide DOH with "a list of specific employees whose communications" were sought, it should be noted that Ms. Ganz never submitted a FOIL request for this information, nor is there anything in Public Officer's Law which requires the DOH to provide such information be provided.

24. Petitioner requests that the Court direct DOH to produce information regarding the subject matter of its records. Pursuant to POL § 87(3)(c), DOH provides a subject matter list of all records available for review, inspection and/or copying on its website.

25. Based on the foregoing, the Department has fully complied with the requirements of the POL and has appropriately and fully responded to Petitioner's FOIL request in a timely manner.

WHEREFORE, it is respectfully requested that the Court dismiss the Petition in its entirety and deny Petitioner's request for attorney's fees and costs.


ROSEMARIE HEWIG

Sworn to before me this
21st day of September, 2018


Notary Public

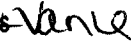
DIANA ~~FILKINS~~ 
NOTARY PUBLIC-STATE OF NEW YORK
No. 02F16255406
Qualified in Rensselaer County
My Commission Expires February 06, 2020

Exhibit A

From: 44580-07857453@requests.muckrock.com
Sent: Tuesday, October 17, 2017 4:54 PM
To: doh.sm.BOB-FOIL
Subject: Freedom of Information Law Request: All New York State Department of Health communications to or about Ancestry.com

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unknown email addresses.

October 17, 2017
New York State Department of Health
Records Access Office
New York State Department of Health
Corning Tower, Room 2364
Albany, New York 12237-0044

To Whom It May Concern:

Pursuant to the New York State Freedom of Information Law (1977 N.Y. Laws ch. 933), I hereby request the following records:

I am requesting copies of all correspondence, e-mails, proposals, drafts, notes, agreements, contracts, meetings and calendar entries, phone logs, meeting minutes, budget items, receipts, vendorization forms or data, bids, evaluation materials, Freedom of Information Law (FOIL) records requests and their associated correspondence and any appeals, and any other documentation or communications between the New York State Department of Health and Ancestry.com, or such materials within the New York State Department of Health about Ancestry.com. Ancestry.com might also be listed as Ancestry, Ancestry LLC, Ancestry.com LLC, Ancestry.com Holdings, Ancestry.com Holdings LLC, or similar terms.

I am requesting these materials for all dates between January 1, 2015 to October 17, 2017, inclusive.

In the event that there are fees, please inform me of the total charges in advance of fulfilling my request. I would prefer that this request be filled electronically, by e-mail attachment if available or USB hard drive if not. The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

If any clarification is necessary, please feel free to call me at 917-572-3834 or e-mail me at info@reclaimtherecords.org.

Thank you in advance for your anticipated cooperation in this matter. I look forward to your response within five days, as required by the law.

Sincerely,

Brooke Schreier Ganz
President and Founder, Reclaim The Records
<https://www.ReclaimTheRecords.org/>

Filed via MuckRock.com

E-mail (Preferred): 44580-07857453@requests.muckrock.com

Upload documents directly: https://www.muckrock.com/accounts/agency_login/new-york-state-department-health-4384/all-new-york-state-department-of-health-communications-to-or-about-ancestrycom-44580/?uuid-login=42870ffa-e3a4-449c-9b0e-d3e92fa015eb&email=foil%40health.state.ny.us#agency-reply

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock

DEPT MR 44580

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.



Exhibit B



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

October 18, 2017

Brooke Ganz
MuckRock News
DEPT MR 44580
411A Highland Ave
Somerville, MA 02144

FOIL # 17-10-253

Dear Ms. Ganz:

This will acknowledge receipt of your request for records under the Freedom of Information Law, received by this office on October 17, 2017.

Your request has been forwarded to the appropriate Department program area(s) to identify documents that are responsive to your request and which may be made available pursuant to all applicable provisions of the Freedom of Information Law.

A determination as to whether your request is granted or denied will be reached in approximately 20 business days or we will notify you in writing if the responsible program area(s) should require additional time to locate, assemble, and review documents that may be responsive to your request.

Please note that, pursuant to Article 6 of the Public Officers Law, a charge may be applied to your request, including the actual cost of the medium used to respond to your Freedom of Information Law request and/or other related costs. When responsive records have been identified, you will be informed of any cost and how payment should be made.

Sincerely,

Rosemarie Hewig, Esq.
Records Access Officer

RH/sjp

Exhibit C



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

November 15, 2017

Brooke Schreier Ganz
MuckRock News
DEPT MR 44580
411A Highland Ave
Somerville, MA 02144

FOIL #: 17-10-253

Dear Ms. Ganz:

This letter is in regard to your Freedom of Information Law request of October 17, 2017, which is currently being processed.

Please be advised this Office is unable to respond to your request by the date previously given to you because the records potentially responsive to your request are currently being reviewed for applicable exemptions, legal privileges and responsiveness.

We estimate that this Office will complete its process by January 23, 2018. The Department will notify you in writing when/if the responsive materials are available for release or if the time needed to complete your request extends beyond the above date.

Should 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, Esq.
Records Access Officer

RH/sa



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

January 23, 2018

Brooke Schreler Ganz
MuckRock News
DEPT MR 44580
411A Highland Ave
Somerville, MA 02144

FOIL #: 17-10-253

Dear Ms. Ganz:

This letter responds to your Freedom of Information Law request of October 17, 2017, in which you requested the following:

[C]opies of all correspondence, e-mails, proposals, drafts, notes, agreements, contracts, meetings and calendar entries, phone logs, meeting minutes, budget items, receipts, vendorization forms or data, bids, evaluation materials, Freedom of Information Law (FOIL) records requests and their associated correspondence and any appeals, and any other documentation or communications between the New York State Department of Health and Ancestry.com, or such materials within the New York State Department of Health about Ancestry.com Holdings, Ancestry.com Holdings, LLC or similar terms...for all dates between January 1, 2015 to October 17, 2017, inclusive.

With respect to the portion of your request concerning "Freedom of Information Law (FOIL) records requests and their associated correspondence" pertaining to Ancestry.com, I have enclosed documents responsive to your request. Certain information contained in these documents has been redacted pursuant to New York Public Officers Law § 87(2)(b), because disclosure "would constitute an unwarranted invasion of personal privacy;" and § 87(2)(g), as "inter-agency or intra-agency materials." Please be advised we are not enclosing the records responsive to Ancestry.com's request for the New York State death index, as that record was released to you in response to your FOIL request #16-01-037 via a portable drive.

With respect to the portion of your request concerning "any appeals" pertaining to Ancestry.com, please be advised that after conducting a diligent search, no records responsive to your request have been located.

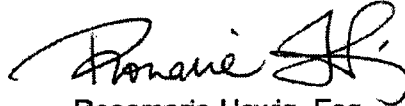
The remaining portion of your request is denied pursuant to NYS Public Officers Law § 89(3) as your FOIL request fails to reasonably describe the records you are seeking with sufficient detail to enable this Department to locate them. Given the considerable number of individuals employed by the Department of Health, a list of specific employees whose

communications you are seeking, as well as the subject matter of the types of records you seek would be required in order for this Department to perform a diligent search.

Should you feel that you have been unlawfully denied access to records, you may appeal such denial in writing within 30 days to the Records Access Appeals Officer, Division of Legal Affairs, Empire State Plaza, 2438 Corning Tower, Albany, New York 12237-0026.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Rosemarie Hewig". The signature is fluid and cursive, with a large initial "R" and "H".

Rosemarie Hewig, Esq.
Records Access Officer

RH/sa

doh.sm.BOB-FOIL

From: Jared Akenhead <jakenhead@ancestry.com>
Sent: Thursday, March 09, 2017 4:40 PM
To: doh.sm.BOB-FOIL
Cc: Robinson, Cynthia M (HEALTH)
Subject: FOIL Request

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unknown email addresses.

To Whom It May Concern:

Pursuant to the New York State Freedom of Information Law (1977 N.Y. Laws ch. 933), I hereby request the following records:

I would like to receive a copy of the New York State death index, from June 1880 (or as early as such records are available) through December 31, 1956, inclusive. Please note that this request is for the basic fiche index only, and not the actual death certificates.

I request that a copy of the fiche be sent to the address below, attention to myself, at which time we will convert the fiche to digital format. Once this process has been completed we will return the original fiche back to you, along with a copy of the digital product, once its completed. We are more than happy to pay for the shipping and insurance costs for this delivery. Please advise me ahead of time of these costs.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

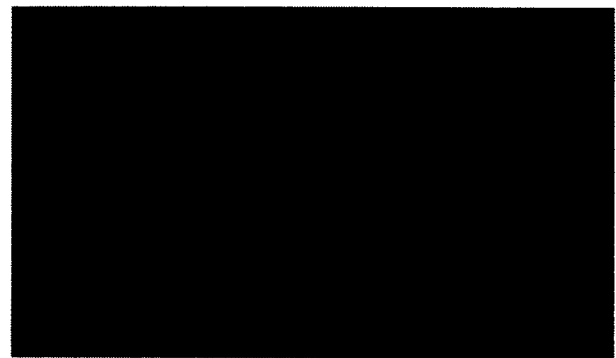
Sincerely,

Jared Akenhead Senior Manager - Content Acquisition

Ancestry.com

P 801.705.7135 C [REDACTED] E jakenhead@ancestry.com

1300 W. Traverse Pkwy Lehi, UT 84043





Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

March 10, 2017

Jared Akenhead
Ancestry
1300 W. Traverse Pkwy
Lehi, UT 84043

FOIL # 17-03-180

Dear Mr. Akenhead:

This will acknowledge receipt of your request for records under the Freedom of Information Law, received by this office on March 9, 2017.

Your request has been forwarded to the appropriate Department program area(s) to identify documents that are responsive to your request and which may be made available pursuant to all applicable provisions of the Freedom of Information Law.

A determination as to whether your request is granted or denied will be reached in approximately 20 business days or we will notify you in writing if the responsible program area(s) should require additional time to locate, assemble, and review documents that may be responsive to your request.

Please note that, pursuant to Article 6 of the Public Officers Law, a charge may be applied to your request, including the actual cost of the medium used to respond to your Freedom of Information Law request and/or other related costs. When responsive records have been identified, you will be informed of any cost and how payment should be made.

Sincerely,

Rosemarie Hewig, Esq.
Records Access Officer

RH/dxd



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

April 7, 2017

Jared Akenhead
Ancestry
1300 W. Traverse Pkwy
Lehi, UT 84043

FOIL #: 17-03-180

Dear Mr. Akenhead:

This letter is in regard to your Freedom of Information Law request of March 9, 2017, which is currently being processed.

Please be advised this Office is unable to respond to your request by the date previously given to you because a diligent search for responsive documents is still being conducted.

We estimate that this Office will complete its process by June 12, 2017. The Department will notify you in writing when/if the responsive materials are available for release or if the time needed to complete your request extends beyond the above date.

Should 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, Esq.
Records Access Officer

RH/jt

From: doh.sm.BOB-FOIL
To: "jakenhead@ancestry.com"
Subject: FOIL# 17-03-180
Date: Monday, May 15, 2017 9:01:00 AM

Good Morning Mr. Akenhead,

This email correspondence serves to acknowledge your receipt of the digitized records you requested (NYS Death Index). As such we now consider your FOIL request closed. If you have any questions or concerns please do not hesitate to contact us. Thank you.

Jessica Tomkiell, Esq.
Senior Attorney
NYSDOH Division of Legal Affairs
Records Access Office
Corning Tower, Room 2364
Albany, NY 12237
(P) 518-474-8734
(F) 518-486-9144

doh.sm.BOB-FOIL

From: Jared Akenhead <jakenhead@ancestry.com>
Sent: Thursday, June 22, 2017 3:27 PM
To: doh.sm.BOB-FOIL
Cc: Robinson, Cynthia M (HEALTH)
Subject: FOIL Request

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

To Whom It May Concern:

Pursuant to the New York State Freedom of Information Law (1977 N.Y. Laws ch. 933), I hereby request the following records:

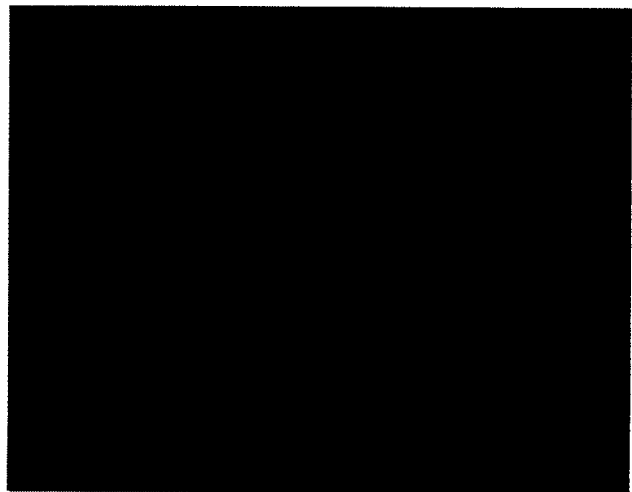
I would like to receive a copy of the New York State marriage index, from January 1881 (or as early as such records are available) through December 31, 1940, inclusive. Please note that this request is for the basic fiche index only, and not the actual marriage certificates.

I request that a copy of the fiche be sent to the address below, attention to myself, at which time we will convert the fiche to digital format. Once this process has been completed we will return the original fiche back to you, along with a copy of the digital product, once its completed. We are more than happy to pay for the shipping and insurance costs for this delivery. Please advise me ahead of time of these costs.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Jared Akenhead
Senior Manager – Content Acquisition
jakenhead@ancestry.com
M: [REDACTED]
O: (801) 705-7135
1300 W. Traverse Pkwy
Lehi, UT 84043





Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

June 23, 2017

Jared Akenhead
Ancestry
1300 W. Traverse Pkwy
Lehi, UT 84043

FOIL # 17-06-346

Dear Mr. Akenhead:

This will acknowledge receipt of your request for records under the Freedom of Information Law, received by this office on June 22, 2017.

Your request has been forwarded to the appropriate Department program area(s) to identify documents that are responsive to your request and which may be made available pursuant to all applicable provisions of the Freedom of Information Law.

A determination as to whether your request is granted or denied will be reached in approximately 20 business days or we will notify you in writing if the responsible program area(s) should require additional time to locate, assemble, and review documents that may be responsive to your request.

Please note that, pursuant to Article 6 of the Public Officers Law, a charge may be applied to your request, including the actual cost of the medium used to respond to your Freedom of Information Law request and/or other related costs. When responsive records have been identified, you will be informed of any cost and how payment should be made.

Sincerely,

Rosemarie Hewig, Esq.
Records Access Officer

RH/sjp



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

July 24, 2017

Jared Akenhead
Ancestry
1300 W. Traverse Pkwy
Lehi, UT 84043

FOIL #: 17-06-346

Dear Mr. Akenhead:

This letter is in regard to your Freedom of Information Law request of June 22, 2017, which is currently being processed.

Please be advised this Office is unable to respond to your request by the date previously given to you because a diligent search for responsive documents is still being conducted.

We estimate that this Office will complete its process by September 26, 2017. The Department will notify you in writing when/if the responsive materials are available for release or if the time needed to complete your request extends beyond the above date.

Should 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, Esq.
Records Access Officer

RH/jt



**Department
of Health**

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

September 26, 2017

Jared Akenhead
Ancestry
1300 W. Traverse Pkwy
Lehi, UT 84043

FOIL #: 17-06-346

Dear Mr. Akenhead:

This letter is in regard to your Freedom of Information Law request of June 22, 2017, which is currently being processed.

Please be advised this Office is unable to respond to your request by the date previously given to you because a diligent search for responsive documents is still being conducted.

We estimate that this Office will complete its process by December 1, 2017. The Department will notify you in writing when/if the responsive materials are available for release or if the time needed to complete your request extends beyond the above date.

Should 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, Esq.
Records Access Officer

RH/jt