

Exhibit 14

Moritz, Michael D (NYC)

From: Chari Anhouse <canhouse@health.nyc.gov>
Sent: Monday, February 11, 2019 4:53 PM
To: Moritz, Michael D (NYC)
Cc: Svetlana Burdeynik
Subject: [Ext] FOIL Control No. 2019FR00419 Response

Dear Mr. Moritz:

Please be advised that your Freedom of Information Law (NYS Public Officers Law Article 6, "FOIL") request for "one complete set of the digital scans, in uncertified form, previously made by your agency of all New York City death certificates issued between and including 1949 and 1968" has been denied based on statutory as well as personal privacy grounds.

Statutory Grounds

New York State Public Health Law § 4104 exempts New York City from State law with regard to vital records with very few exceptions, none of which apply here. It has been settled for many years that the New City York Health Code, based on the New York City Charter and State law and regulation, is the controlling law on vital records matters in the City. See, e.g., *In re Bakers Mutual Ins. Co. of New York*, 301 N.Y. 21 (1950). Section 558(c) of the City Charter requires the New York City Board of Health to include in the Health Code provisions related to maintaining a registry of births and deaths, as well as the manner in which birth and death certificates may be issued and otherwise examined. Pursuant to New York City Charter § 556(c) and NYC Administrative Code § 17-166, the NYC Department of Health and Mental Hygiene is responsible for supervising and controlling the registration of births and deaths that occur in the City of New York. Administrative Code § 17-169 and Health Code §§ 3.25 and 207.11 make death records confidential and restrict access to these records beyond certain classes of specified people. There is no provision in the Health or Administrative Code for releasing "uncertified" death certificates at any point in time. Health Code § 207.21 makes death records public 75 years after death. Thus, these records are protected by the applicable law and by FOIL § 87(2)(a).

Privacy Grounds

The records you seek include information on persons still living such as next of kin. Pursuant to the privacy provisions of FOIL §§ 87(2)(b) and 89(2)(b), it would therefore be an unwarranted invasion of these person's privacy to release these death certificates.

You may file a written appeal of this denial within 30 days of the date of this message. The appeal should be addressed to:

Thomas Merrill, Esquire
Appeals Officer & General Counsel
42-09 28th Street, CN-30
Long Island City, NY 11101

The notice of appeal should include the request control number, the date of this denial message, a description of the records that were the subject of the request, the specific legal grounds for your appeal, and the full name and address of the original requester.

Thank you,

Chari Anhouse

Associate General Counsel/Records Access Officer
NYC Department of Health & Mental Hygiene
General Counsel's Office

42-09 28th Street, CN-31
Long Island City, NY 11101
347-396-6419



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