

COMMITTEE ON MEDIA LAW

Media #1

May 18, 2015

Re: Email Retention and
FOIL Summit

We respectfully request that the Cuomo administration adopt a policy to preserve the emails of state employees for at least seven years and to permanently save the emails of executive staff. This approach is in line with the approach taken by the federal government, is minimally burdensome given advances in storage technology, and, moreover, is consistent with the principles of transparency, the First Amendment, and a free press.

The State of New York's current email policy does not provide for the retention of state employee emails after 90 days. This practice weakens transparency and public accountability, as it undermines the ability of the press to keep our citizens informed and will inevitably result in the destruction of some emails that are public records subject to disclosure under the state Freedom of Information Law. In this increasingly digital world, the government relies heavily upon electronic communications, particularly email, and access to government email is essential to maintaining public trust and transparency. Under New York's current email policy, many documents and communications likely would not be preserved, and the citizenry would be deprived of learning about crucial issues of public importance.

Accordingly, we ask that you adopt the standard followed by the federal government, take advantage of the relatively low cost of modern email technology, and require all agencies to save employee emails for seven years and executive staff emails permanently. We would welcome the opportunity to meet with you or members of your staff to discuss this.

Memorandum prepared by: Abraham S. Cho, Esq.

Chair of the Committee: Lynn Oberlander, Esq.