

Response to Freedom of Information Request

[Name]

[Address]

Dear Sir/Madam:

I have received your letter of [date] pursuant to your request for a Freedom of Information response thereto.

I have inquired of the appropriate [City/Village/Town] officials as to records relating to the matters on which you have inquired.

First, as a general matter, the Freedom of Information Law pertains only to *existing* records. Therefore, to the extent that your requests involve records that are not maintained by the [City/Village/Town], the Freedom of Information Law would not be applicable.

Second, section 89(3) of the Freedom of Information Law provides in part that an agency need *not* create a record in response to a request.

I have inquired of the applicable [City/Village/Town] officers as to what records presently exist that would be responsive to your requests. I am advised that the only such records consist of [describe]. Should you wish to examine those documents, they are available during my regular office hours as a matter of public record.

As to that portion of your request asking me to provide you with [name of Document], I have consulted with various [City/Village/Town] officials as to whether the report you have requested is subject to or exempt from disclosure under the Freedom of Information Law. The [City/Village/Town Governing Body] has asked me to inform you that the [City/Village/Town] Attorney has advised them that in [his/her] opinion, they could withhold this report from your Freedom of Information request in that this information was prepared to assist the [Governing Body] in contemplation of litigation and as such is exempt from your request.

As to your request for [name of Document], it is also my understanding that the Freedom of Information Law exempts from disclosure certain inter-agency and intra-agency materials. It is my understanding that where an agency such as the [City/Village/Town Governing Body] seeks