

Freedom of Information Law (“FOIL”)

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How To Access Records

The Unified Court System maintains two types of records – [administrative records](#) and [court records](#). Administrative records are those records maintained by the different divisions within the Office of Court Administration (“OCA”), which do not constitute court records. Administrative records are subject to disclosure under the Freedom of Information Law (“FOIL”). Court records, however, are not subject to disclosure under FOIL. Public Officers Law, § 86. Rather, court records are subject to disclosure under section 255 of the judiciary law.

Administrative Records

The requirements for public access to agency administrative records are set forth in Article 6 of the Public Officers Law, which is entitled “Freedom of Information Law,” otherwise known as FOIL. In order to identify and locate any existing and responsive records that might be the subject to disclosure, your FOIL request must:

- Be for specific records, and
- Reasonably describe the records sought

You should note that FOIL does not require the creation or compilation of records or a response to questions. Public Officers Law, § 89(3).

If you are seeking to obtain copies of records subject to disclosure under FOIL, you may submit a specific FOIL request, via regular mail, to:

Shawn Kerby, Assistant Deputy Counsel
FOIL Officer
Office of Court Administration
25 Beaver Street, Room 1170
New York, NY 10004

In the alternative, you may submit a FOIL request, via electronic mail, to the following address:
foil@nycourts.gov.

COURTS

LITIGANTS

ATTORNEYS

JURORS

JUDGES

CAREERS

SEARCH

Many administrative records and reports are available for downloading at no cost through the [alphabetical listing](#) of various administration records and reports on this site

FOIL Fees

The fee for reproducing records in response to FOIL requests is \$.25 per page, for pages that do not exceed 9 inches by 14 inches; the cost for reproducing copies of larger records may be the "actual cost of [reproduction]." See Public Officers Law, § 87(1)(b)(iii); 22 NYCRR § 124.8.

Inspection of Records

If you want to inspect administrative records in person, you may submit a FOIL request, via regular mail or electronic mail, as explained above, and request an appointment to inspect the records. OCA is open during regular business hours, 9 a.m. to 5 p.m., on weekdays, except on holidays. You will be advised where these records can be found and what time you will be able to inspect them.

FOIL Appeals

The appeal of a denial of a FOIL request may be submitted, within 30 days of such denial (Public Officers Law, § 89(4)), to:

Lawrence Marks, Administrative Director
FOIL Appeals Officer
25 Beaver Street
New York, NY 10004

Committee on Open Government

For additional information about FOIL, including advisory opinion about FOIL, you may visit the website for the Committee on Open Government at <http://www.dos.state.ny.us/coog/index.html>



Court Records

Do not submit a request for court records to OCA, because access to court records is not governed by FOIL (Public Officers Law, 86), but by section 255 of the Judiciary Law, which is directed to the responsibilities of a clerk of a court.

You should submit a request for court records directly to the Clerk of the Court or the County Clerk that possesses those records. Typically, the court in which the case was handled will have those records. However, both the Supreme Court and the County Court generally archive their files with the County Clerk, and you should check first with that Office to see if the records are available there.

In order for the courts to identify and locate any existing and responsive court records that might be subject to disclosure, your request for court records must:

- Be for specific records
- Reasonably describe the records sought
- Conform to the court's indexing and record retrieval system
- Provide as much information as possible to identify the specific court records that you seek

If you are seeking copies of specific police or prosecution records in connection with a criminal matter, those records may not be maintained in the court file. Rather, they are generated and maintained by the New York City Police Department, if the arrest was made in New York City; or by the local Police Department, if the arrest was made outside of New York City. They also may be maintained by the District Attorney's Office that prosecuted the case. Requests for police or prosecution records should be sent to those agencies. To the extent that some police or prosecution papers are submitted to the courts while criminal cases are pending. If the records are contained in the court file and the file is a public record, they also are subject to disclosure under Judiciary Law, § 255.

Fees for Court Records

Section 255 of the Judiciary Law permits a court clerk to charge the "fees at the rate allowed to a county clerk for a similar service..." Pursuant to CPLR § 8019(f), there are specific fees that a county clerk may charge for copying and certifying records, and a court clerk similarly may charge the same fees to copy and certify court records.

A request for copies of specific court records must be accompanied by a certified check or money order, for the various fees, made payable to the appropriate office, such as the County Clerk or the Clerk of the Court, that maintains the requested records and requested payment of those fees.

Inspection of Publicly Available Court Records

Instead of paying for the clerk to provide copies of the requested records, you may appear in person at, or send someone on your behalf to, the County Clerk's office or Clerk of the Court's office, during regular business hours, in order to inspect publicly available court records. Public photocopiers generally are available at a lower per-page cost than is reflected in CPLR § 8019(f).

Because requests for copies of certain court records may be voluminous, and the clerks have to carry out their court-related duties and responsibilities, the clerks may set

regulations for providing court records to prevent the unreasonable disruption of these duties. Where a clerk's office has a photocopier available to the public, the clerk may determine whether it would be less disruptive to permit the requesting party to make copies at the public photocopier, under supervision, or to make the photocopies for the requesting party at the per page fee reflected in CPLR § 8019(f).

Transcripts of Court Proceedings

If you wish to request copies of transcripts of court proceedings, depending upon whether the minutes you seek have been transcribed and are in the court file, you will be required to direct your request to either the clerk of the court or the court reporter. In order to determine whether the minutes are contained in the file, you may send an inquiry to the clerk of the court, indicating the date of the proceeding you require. If the relevant transcripts are maintained in the court file, you will be required to pay the appropriate per-page fees for copies of the transcript, as reflected in CPLR § 8019(f).

If the minutes of the court proceedings have not been transcribed, and thus are not contained in the court file, the underlying stenographic notes are in the custody of the court reporter who took the minutes of the proceeding. These notes first must be transcribed by the court reporter, and access to these transcripts then is governed by section 300 of the Judiciary Law, which imposes a different set of fees for each page of a transcript. *See also* 22 NYCRR § 108. In order to obtain copies of the transcripts, you must direct your request to that specific court reporter and pay the appropriate fees. In order to identify a specific reporter, submit your inquiry to the courthouse in which the case was handled, to the attention of the "Supervising Court Reporter."

