

Hooray for Ruling Against NY Secrecy

We were gratified to see that New York's top court has not only ruled against a state agency in a case involving freedom of information but also rebuked the agency for even allowing the case to get to court in the first place.

Briefly, the case concerned a request in 2008 by the Schenectady County Society for the Prevention of Cruelty to Animals to obtain a list of veterinarians from the state Education Department, the licensing arm of the state. The SPCA wanted to enlist the support of the vets in devising a plan for protecting animals in a crisis, such as the flooding that was raging at that time.

The Education Department resisted providing the names and addresses because it didn't have the business addresses of all the county's veterinarians. For some, it had only home addresses and considered providing them an infringement on the doctors' rights to privacy.

On that point, we agree. The government should not provide home addresses. But it could have either researched the business addresses or blacked out the home addresses, when that was all that was available. This was hardly an issue on which to force expensive — more than \$100,000 — court action.

The Court of Appeals had this to say in its decision: "We are at a loss to understand why this case has been litigated. It seems that an agency sensitive to its FOIL (state Freedom of Information Law) obligations could have furnished petitioner a redacted list with a few hours' effort, and at a negligible cost. It is our hope that the department, and other agencies of government, will generally comply with the FOIL obligations in a more efficient way."

Amen. Newspapers have been on the front lines of the fight for freedom of information as long as newspapers and governments have co-existed. At times, newspapers have been accused of being merely self-serving in this battle, but that is not so.

When newspapers make FOIL requests, they are trying to provide information for members of the public, who want to know but will not likely pursue answers on their own.

The way the system should work can be demonstrated by a recent example involving the Peru School District.

The Press-Republican, through the FOIL, requested documents related to the sudden departure of Dr. Thomas Stapleford, the new school superintendent. Within days, the school provided the requested documents. That shows the district's respect for the law and for the public's right to be provided with information it is legally allowed to release.

FOIL enhances a reporter's arsenal, but tenacity in quest of a fundamental right is the first line of defense.

Government must be made to be responsive to the people who own it.

