



Office of Temporary and Disability Assistance

ANDREW M. CUOMO
Governor

MICHAEL P. HEIN
Acting Commissioner

BARBARA C. GUINN
Executive Deputy Commissioner

May 14, 2019

Sent via email to: adeepe@wwamh.org

Warren-Washington Association for Mental Health, Inc.
Attn: Ms. Andrea Deepe, Executive Director
3043 State Route 4
Hudson Falls, NY 12839

Re: FOIL Request #19-03-024
Warren Washington Association for Mental Health – Housing First 2.0 Application

Dear Ms. Deepe;

I am writing to notify you that the New York State Office of Temporary and Disability Assistance (OTDA) has received a Freedom of Information Law (FOIL) request from the Post-Star requesting the application filed by the Warren-Washington Association for Mental Health, Inc.'s grant for its project to build homeless housing in Glens Falls.

OTDA's various program areas have provided the Records Access Office with a copy of the materials your organization previously submitted to our Office. In accordance with the requirements of Article 6, Section 89(5) of Public Officers Law (POL), we are now requesting that you submit a detailed justification for the portions of your documents that you designated as critical infrastructure or trade secret information, or information that would cause substantial injury to the competitive position of your entity if disclosed.

Please note that OTDA cannot withhold entire documents from disclosure if those documents contain any information subject to disclosure under FOIL. Only those portions of documents containing information that OTDA determines to constitute critical infrastructure or trade secret information, or information that would cause substantial injury to the competitive position of your entity if disclosed, will be granted an exemption from disclosure under POL § 89(5).

Your written justification for a POL § 89(5) exemption from disclosure must be as detailed and specific as possible. The mere overall claim that material is trade secret, confidential, proprietary, or constitutes critical infrastructure is not sufficient to allow us to grant the material an exception from disclosure. Relevant information might include commercial value of the requested information to competitors and the cost of acquiring it through other means. Your submission should identify the specific material for which the exception is being sought. Please refer to the specific page numbers, letters, titles and sections of your documents to identify information for which you are requesting an exception. It is suggested that you include a separate justification for each section when appropriate.

Please limit your request for an exception from disclosure to the justifications already set forth above (i.e., critical infrastructure or trade secret information, or information that would cause substantial injury to the competitive position of your entity if disclosed). Any other requests for exceptions from disclosure based on other POL exemptions (e.g., personal privacy, law enforcement purposes, etc.) will be denied as inappropriate requests under the POL § 89(5) process. OTDA will continue to review the records for other POL exemptions independently of the POL § 89(5) process prior to release.

Pursuant to the POL § 89(5)(b)(2), you have 10 business days to submit a written justification for a POL § 89(5) exception from disclosure. Please note that we prefer you submit a response back to OTDA via email. If we do not receive a response from you within 10 business days from the date of receipt of this letter, the relevant records may be subject to release in an unredacted format. OTDA will continue to review the records for other POL exceptions independently of the POL § 89(5) process prior to release.

Please submit your POL § 89(5) justification letter to:

Records Access Officer
New York State Office of Temporary and Disability Assistance
40 North Pearl Street, 16th Floor
Albany, New York 12243
Fax: 518.486.6935
Email: nyspio@otda.ny.gov

Enclosed with this letter, for our mutual convenience, is an electronic copy of your application for the Housing First 2.0 project in Warren County. OTDA has tentatively marked these documents for redaction of all personally identifying information concerning anyone not a New York State or Federal employee.

Should you require additional information or wish to discuss this matter further, please do not hesitate to contact me at 518.473.3271. Please refer to the FOIL number above when referencing this letter.

Sincerely,

Zachary M. Stevens

Zachary M. Stevens, Esq.
Senior Attorney, Office of Legal Affairs
p: 518.473.3271
e: zachary.stevens@otda.ny.gov

cc: Michael Goot - Post-Star, Inc. (**Letter Only**)