

**FOIL REQUEST**

Worley, Dwight [DWORLEY@lohud.com]

Sent: Monday, December 17, 2012 2:26 PM

To: Michael Bartolotti

Mr. Bartolotti,

Under the provisions of the New York Freedom of Information Law, Article 6 of the Public Officers Law, I hereby request records or portions thereof pertaining to Putnam County's pistol permit database.

I am requesting the names, complete addresses, the type of permits issued (carry concealed/possess on premises/possess carry during employment), and the type of weapons possessed, including the weapon's manufacturer, type of weapon, caliber, serial number and model, for all permit holders in your database. Also, please provide a complete record layout and data dictionary for your pistol permits database.

I would like all of the records in electronic format, such as a database, spreadsheet, plain text file or other digital format.

I have been instructed by you that state penal law prohibits the disclosure of the types of weapons possessed by permit holders even though such information is collected by the county. If it is determined that that category of information cannot be released please process my request, excluding the protected information, without delay. In your response, please indicate the specific sections of the law that expressly prohibit the disclosure of the protected information.

As you know, all government records and data are presumed public unless there is a specific provision of law barring their release. So while the law expressly says names and addresses of permit holders are to be made public, if the law does not specifically bar the release of the types of permits issued and types of weapons possessed, that information can and should be released. In that case, I would expect that information to be included.

As Robert Freeman, executive director of the New York State Committee on Open Government, has said in several opinions regarding the disclosure of pistol permit data beyond names and addresses, "the only instance in which records must be withheld would involve the case in which a statute prohibits disclosure. Again, as I interpret §400.00 of the Penal Law, there is nothing in that statute that precludes the custodian of the records at issue from disclosing the records."

If there are any fees for copying the records requested, please inform me before filling the request or please supply the records without informing me if the fees are not in excess of \$25.

This request is in relation to a news event. Because of the timely nature of this request, I ask that it be expedited. Also, because of time constraints, I ask that if there are any concerns or questions regarding this request that I be contacted by telephone at 914-629-1060 or by email at [dworley@lohud.com](mailto:dworley@lohud.com).

As you know, the Freedom of Information Law requires that an agency respond to a request within five business days of receipt of a request. Therefore, I would appreciate a response as soon as possible and look forward to hearing from you shortly. If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed.

Thank you for your prompt attention.

Dwight R. Worley | *Reporter/Data Analyst*



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