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JENNIFER S. BUMGARNER
County Attorney

DEPARTMENT OF LAW

November 27, 2019

Via Email: editor@highlandscurrent.org

Chip Rowe
161 Main Street
Cold Spring, New York 10516

Re: Freedom of Information Law Request dated November 5, 2019

Dear Mr. Rowe:

Please be advised that your November 5, 2019 Freedom of Information Law ("FOIL") request submitted to the Law Department has been denied. A copy of said request is attached for your reference.

Access to records that can be considered responsive to your request, has been denied for several reasons. First, certain responsive records are not subject to disclosure by state law, that is N.Y.S. Civil Practice Law and Rules § 4503, which makes records consisting of attorney client communications privileged and not subject to disclosure. Accordingly, access to these records is denied under N.Y.S. Public Officers Law ("POL") § 87(2) (a) which provides for denial of a FOIL request when records are specifically exempted from disclosure by state law.

Furthermore, responsive records are exempt from disclosure pursuant to P.O.L. § 87(2)(e)(i) and (ii), which are compiled for law enforcement purposes and which, if disclosed would interfere with law enforcement investigations or judicial proceedings as well as deprive a person of a right to a fair trial or impartial adjudication.

Additionally, responsive records consisting of Putnam County's pending litigation cases, have been denied pursuant to POL Section 87(2) (b) and Section 89(2) (b), and NYS Civil Practice Law and Rules § 4503 as the disclosure of same would constitute an unwarranted invasion of personal privacy and disclosure is exempted by state law.

Lastly, certain other responsive documents maintained by the County are exempt from disclosure, because they constitute inter-agency or intra-agency materials which are not: i. statistical or factual

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tabulations or data; ii. instructions to staff that affect the public; iii. final agency policies or determinations; or iv. external audits, including but not limited to audits performed by the comptroller and federal government (See N.Y.S. Public Officers Law § 87(2)(g)).

You are entitled to appeal the denial of your FOIL request within thirty (30) days hereof to the following address:

Honorable MaryEllen Odell, County Executive
40 Gleneida Avenue
Carmel, New York 10512

Sincerely,



Amber Wodraska
Law Clerk

Cc: Hon. Michael C. Bartolotti, County Clerk
Jennifer S. Bumgarner, County Attorney

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