



ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND

99 HUDSON STREET, 12th FL, NEW YORK, NY 10013-2815 212 966-5932 FAX 212 966-4303

*The information below does not constitute legal advice and is meant for general guidance only.
Please contact us if you have specific legal questions.*

HAS THE NYPD BEEN SPYING ON YOU?

Since August 2011, the Associated Press has been [reporting](#) on the NYPD's (New York City Police Department) secret and expansive surveillance of Muslim communities through the Northeast corridor. With the CIA's assistance, NYPD informants have been analyzing and observing every facet of Muslim American life. From neighborhood cafes, to Friday prayers, to Muslim Student Association meetings and trips – the NYPD has been there and taken notes. Undercover informants have recorded how many times students pray, which businesses Muslim immigrants frequent, and mapped the location of mosques and community centers – and this is just the tip of the iceberg.

As the AP releases classified documents, it is clear that hundreds of individual names and businesses were kept on file without any suspicion of wrongdoing. The NYPD has been secretly keeping its tabs on the Muslim American community, and you have a right to know if you, your business or mosque were amongst the thousands who were subject to this overbroad and bigoted surveillance.

The **New York Freedom of Information Law (“FOIL”)** requires the NYPD to disclose “all records” requested by a member of the public that are not otherwise protected against disclosure. Through FOIL, you can request NYPD's file on yourself and document this systematic mockery of civil liberties. By exercising this right you keep the pressure on the NYPD by demanding transparency.

AALDEF would like to know about the results of your FOIL request. This will allow AALDEF to document the scope of the NYPD's secret snooping into the lives and lawful activities of the Muslim community. The report will only use summary data and anonymous anecdotal information and not use your name or personal information without prior permission.

Please contact us at narastu@aaldef.org or (212) 966-5932 x207 if you have any questions or need assistance. We can also visit your organization, mosque or student group to provide trainings and support on FOIL rights.

Attached are some FAQ on FOIL and a template for a basic, individual request.



ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND

99 HUDSON STREET, 12th FL, NEW YORK, NY 10013-2815 212 966-5932 FAX 212 966-4303

*The information below does not constitute legal advice and is meant for general guidance only.
Please contact us if you have specific legal questions.*

WHAT IS THE FREEDOM OF INFORMATION LAW (FOIL)?

Under New York State's Public Officers Law Sections 84 through 90, the FOIL requires every public agency to produce records requested by the public. These records include "any information kept, held, filed, produced or reproduced by, with or for an agency...." The government is not required to create records to satisfy a FOIL request, only share documents that already exist.

HOW DO I MAKE A FOIL REQUEST TO THE NYPD?

FOIL requests to the NYPD must be made in writing. The requestor should state clearly that the letter constitutes a request under the Freedom of Information Law. The letter should also include a description of what is being requested and your name and address. Where possible, include specific search terms to aid and expedite any computerized searches. Please use the attached sample letter for guidance when making a FOIL request for your own file.

HOW MUCH DOES IT COST TO GET MY FILE?

In accordance with FOIL, State agencies may charge up to 25 cents per page of copied materials, but cannot charge for the inspection, certification or compilation of records. You also have the right to inspect accessible documents in person at no charge. There are no provisions under New York law for waivers of this fee.

HOW LONG WILL IT TAKE TO GET A RESPONSE?

Under New York's FOIL Law, an agency has 5 days to respond to your request. At this point you will either receive the requested documents, a denial of your request or an acknowledgement of your request with an approximate response date.

CAN MY REQUEST BE DENIED? IF SO, WHAT IS THE NEXT STEP?

The NYPD may deny your request in whole or in part by citing exemptions under sections 87 of the FOIL. Some of these exemptions include information that would interfere with a law enforcement investigation, identify a confidential source or reveal criminal investigative techniques or procedures. In the likely event that the NYPD withholds your file under one of the statutory exceptions you may file an appeal within 30 days of the denial. If you decide to appeal, please feel free to contact AALDEF for help.

[SAMPLE LETTER]

Records Access Officer
NYC Police Department
F.O.I.L. Unit – Legal Bureau
One Police Plaza, Room 110-C
New York, New York 10038

[Date]

Re: Request Under the Freedom of Information Law for Individual Records

Dear FOIL Officer:

This letter constitutes a request under the New York Freedom of Information Law (“FOIL”) N.Y. Pub. Off. Law § 87 for *all* records relating to myself :

Requestor’s Name: _____

Address: _____ Apt # _____

City: _____ State: _____ Zip: _____

Phone: (_____) _____

I also request disclosure of any records that clarify how my records were used, stored, shared, maintained or destroyed.

Please furnish these records to the address listed above. Pursuant to N.Y. Pub. Off. Law §89(3)(a), I expect a response within the five (5) day statutory time limit.

If this Request is denied in whole or in part, I ask that you justify all deletions by reference to specific exemptions of the FOIL. I expect release of all segregable portions of otherwise exempt material. Further, recognizing that it may take longer to provide certain documents than others, I request that you provide documents as they become available rather than waiting for the complete set.

If you have any questions in processing this request, I can be contacted at the address or phone number above.

Sincerely,
[Include your signature and print your name]