

LABOR AND EMPLOYMENT LAW

INFORMATION MEMO

SEPTEMBER 16, 2024

New FOIL Notification Requirements for Public Employers

On Sept. 4, 2024, Gov. Kathy Hochul signed legislation requiring public employers to notify employees if their disciplinary records are requested as part of a Freedom of Information Law (FOIL) request. This legislation applies to all entities covered by FOIL and went into effect as of Sept. 4, 2024.

This legislation amends Section 87 of the Public Officers Law by adding language which states:

All agencies subject to the requirements of [the Public Officers Law] shall develop a policy regarding providing a notification to public employees in the event that the agency is responding to a request for such employee's disciplinary records.

Employers previously had no obligation to notify a public employee that their disciplinary records were the subject of a FOIL request. This legislation aims to promote recruitment and retention of individuals by providing them with knowledge that an individual or outside entity requested to review their disciplinary records.

Some aspects of the policy required by this legislation may be subject to bargaining if you have employees represented by a union. If you require assistance with drafting or negotiating a policy, please contact [Emily Fallon](#), [Alyson Mathews](#), any member of Bond's [labor and employment](#) practice or the attorney at the firm with whom you are regularly in contact.



Bond has prepared this communication to present only general information. This is not intended as legal advice, nor should you consider it as such. You should not act, or decline to act, based upon the contents. While we try to make sure that the information is complete and accurate, laws can change quickly. You should always formally engage a lawyer of your choosing before taking actions which have legal consequences. For information about our firm, practice areas and attorneys, visit our website, www.bsk.com. Attorney Advertising. ©

