

*For Immediate Release*

**APPEALS COURT UNANIMOUSLY UPHOLDS PRIVACY EXEMPTIONS  
UNDER FREEDOM OF INFORMATION LAW (FOIL),  
INCLUDING HANDGUN LICENSEES'  
AND HATE CRIME VICTIMS' HOME ADDRESSES**

***RULING RECOGNIZES THE LEGITIMATE PRIVACY AND SAFETY CONCERNS OF PERSONS WHO HAVE  
HANDGUN LICENSES AND THOSE WHO ARE THE VICTIMS OF HATE CRIMES***

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New York, N.Y., Feb. 5, 2013 – The Appellate Division, First Department – a midlevel appeals court – today upheld exemptions from disclosure under the Freedom of Information Law (FOIL) of home addresses of handgun licensees and hate crime victims. The decision was unanimous (4-0). *The New York Times* had sued the Police Department, challenging the denial of several FOIL requests seeking that and other information.

“The Court reached the correct conclusion upholding the exemptions from disclosure under FOIL,” said Corporation Counsel Michael A. Cardozo. “The ruling protects important privacy interests and allows an appropriate balance between privacy and safety concerns versus the public’s right to know.”

The case is complicated. It began in 2010 when *The Times* filed four FOIL requests with the Police Department seeking various data in electronic form. In response, the Police Department provided some of the requested data, but declined to provide other information on the grounds that it was exempt from disclosure under FOIL.

*The Times* then sued in December 2010. In a decision filed on Nov. 1, 2011, the lower court --- the New York County Supreme Court – ruled in favor of the Police Department on some issues and in favor of *The Times* on others. The Appellate Division has now reversed all the lower court findings that were favorable to *The Times* and sent back to the lower court for further findings one aspect that was favorable to the Police Department.

Highlights of today’s ruling:

- The home addresses of persons who have handgun licenses are exempt from disclosure under FOIL. The Court recognized that disclosing a person's home address implicates heightened privacy and safety concerns, especially when disclosure is in electronic form.
- The home addresses of hate crime victims are exempt from disclosure under FOIL. *The Times* had also sought this in electronic format.

There are other elements of the ruling that apply to procedural issues involving FOIL requests. These are also favorable to the Police Department, and our office can explain these to reporters.

Elizabeth Freedman of the Appeals Division handled the case for the City. “FOIL recognizes privacy and public safety exemptions from disclosure,” noted Freedman. “This decision is critical for a number of reasons. For example, a handgun licensee might be concerned that someone could steal a gun from his or her house if the owner’s name and address were widely disseminated. Or a victim of domestic violence who had a handgun license might be concerned that his or her abuser would be able to locate him or her and cause further injury. In the case of hate crime victims, the Court recognized the sensitivity of these crimes and these victims’ privacy concerns.”

In fact, in reaching its decision, the Court noted that “disclosing a person’s home address implicates a heightened privacy concern.”

Marilyn Richter of the General Litigation Division also worked on the appeal and oversaw the matter in the lower court. The Law Department’s legal team also included Leonard Koerner and Francis Caputo. Doram Tamari of the Police Department’s Legal Bureau played a central role in the litigation.

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